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PART I.

REPORTS

FROM

HER MAJESTY'S REPRESENTATIVES

RESPECTING THE

108702

TENURE OF LAND

IN THE SEVERAL

COUNTRIES OF EUROPE:

1869.

CX. k. 26

1870.

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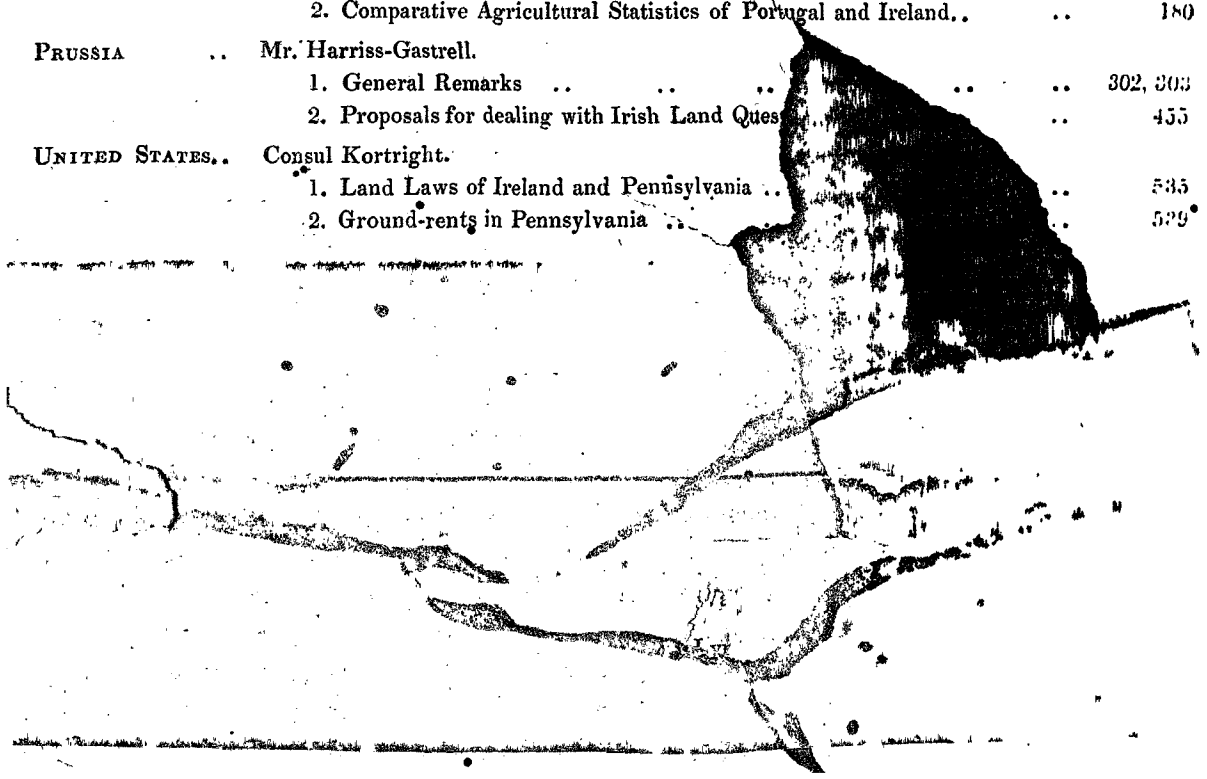

Reports from Her Majesty's Representatives respecting the Tenure of Land in the several Countries of Europe.

Part I.

Circular addressed to Her Majesty's Representatives abroad.

My Lord,
Sir,

Foreign Office, August 26, 1869.

HER Majesty's Government are very desirous of obtaining the fullest information in regard to the laws and customs affecting the tenure of land in the several countries in Europe, with the view of ascertaining what points there may be in such laws and customs as could be usefully adopted in the settlement of land tenure in Ireland, which is a question of pressing importance.

The general character of the information sought is set forth in the inclosed questions. The object is to ascertain, as nearly as may be, how landed property is held in the various countries of Europe, having regard to the character, social condition, employment, and other industrial resources of the people, the institutions of their respective countries, and their combined effect on the system by which the tenure of land is regulated.

It is also an important consideration to ascertain, not only the nature of the tenure by which land is held, whether by purchase, lease, inheritance, or co-partnership, as in the case of waste lands, but also the numerical proportion that exists between the proprietors, under whatever nomination, and the agricultural labourers, and the relationship between them, which would include the average number of labourers to the acre, and the extent to which female labour is employed in agriculture, and machinery used as a substitute for or in aid of manual labour. In elucidation of these points, a statement showing the proportion between waste and cultivated lands,—between lands under tillage, reserved for pasture, or occupied by woods and forests,—and the system of rotation of crops, and of management and appropriation of timber, prevalent in the several countries.

It must be borne in mind that in Ireland the relations of landlord and tenant are [illegible]ded on the express or implied contract of the parties, and not upon tenure or service, [illegible] the [illegible] of the occupiers of land hold by verbal agreement from year to year, they are liable [illegible] the determination of their tenancy, to be evicted without any compensation for their [illegible]rements, and also to have their rents raised at the discretion of the landlord.

The object of the queries in Part B is mainly to contrast the existing system of land tenure in Ireland with that which prevails in other countries, especially when the land is occupied by a tenant in consideration of such tenant paying a certain stipulated rent to the landlord, and to ascertain how far the laws and customs affecting such tenures in other countries differ from those existing in Ireland.

Full information should therefore be given as to the limitation in other countries of proprietary rights, as they exist in Ireland,—whether the granting of leases and compensation for improvements have been enforced by Legislation; how far, if at all, the positive law is modified by custom; and also, how far such custom is recognized by the Law Courts; and what are the precise relations between landlords and tenants, and their mutual rights and duties.

The object of the queries in Part A is to afford Her Majesty's Government full information as to the condition of small proprietors in the various countries in Europe where they exist, and their mode of living, cultivation, &c.

In some countries the land is divided between them and tenants under proprietors; and in other countries, in some districts, the land is nearly exclusively held by small proprietors, and in others by tenants holding under large proprietors. In these cases a comparison between both classes would be very useful, or showing in what respects they differ in their character, social condition, and system of farming, and their respective influences upon the development of the agricultural resources and general welfare of the country.

In many European countries there probably exist full statistics on several of the matters referred to in the queries, reduced, or easily, reducible, to a tabular form. Her Majesty's servants who may be employed in drawing up the Reports should, of course, avail themselves of these.

Her Majesty's Government do not merely seek to obtain accurate information as to prevailing systems, but they wish also to be enabled to judge of the value of each; and therefore they desire that the Reports should be accompanied by such general observations as may be derived from treatises specially dealing with the subject, from the opinion of persons of intelligence belonging to the countries, and also from the personal observation of the writers of the Reports.

I consider that the Secretaries of Her Majesty's Embassies and Legations may very advantageously employ themselves in drawing up these Reports, obtaining through the Heads of the respective Missions every facility they may require, together with permission to visit any particular district of the country in which they reside, the observation of which may be likely to assist their inquiry.

It may very possibly occur to you also to employ on the same work such of the Consuls as may have within their reach means of acquiring useful information. I will not at present name any particular Consul, but I should be glad to receive from you, with as little delay as possible, the names of the Consuls you may recommend, and I will then add to your list the names of any others that may occur to me.

To those whom you may select yourelf, as well as to the Secretary of your , you will at once give copies of this despatch and its inclosure, recommending the matter to their earliest and most attentive study, and desiring them to send in their Reports with as little delay as possible.

I need scarcely say that any additional information which you may yourself supply will be highly agreeable to Her Majesty's Government.

I may add that the Reports to be made by Secretaries under this instruction will be *received in lieu of their Reports for the current* half-year; and that if for any reason the Secretary of Embassy or Legation is not available for this service, you are at liberty to devolve it on a Second Secretary.

I am, &c.
(Signed) CLARENDON.

Inclosure.

Queries.

Name of Country:
Population:
Religions:
Industrial Pursuits:

LAND OCCUPATION.

What is the system of land occupation: whether by—
(A.) Small Proprietors;
(B.) Tenants under Proprietors, and Sub-Tenants under intermediate Tenants, holding from Proprietors;
and in what proportion do these several systems exist?

(A.)—SMALL PROPRIETORS.

1. What quantity of land is usually held by each, and is it usually held together or intersected by other properties?
2. What is the law regulating the descent and division of landed property on death of owner?
3. What is the legal method used for the sale, transfer, exchange, or division of such

properties—whether by distinct conveyances or by a registry only; and what is the usual relative cost of same?

4. Are there any special facilities afforded for raising loans upon such properties, either from Government, or special public companies, or banks, aided by Government, or otherwise? If so, are they commonly raised, and on what terms and conditions—whether for the purpose of buying off family charges, or for improvement of the property, or other purposes?

5. Are these properties heavily mortgaged, and what is the usual rate of interest?

6. What is the legal method of registering these mortgages and cost of registry, and of other legal proceedings connected therewith?

7. What crops are raised, and in what rotation, and what is the general mode of cultivation.

In what manner are stock raised and pastured on small properties? What is the proportion between tillage and grass lands?

8. Is machinery much employed as a substitute for, and in aid of, manual labour?

Are many hired labourers employed? What is their average number to the acre? To what extent is female labour employed?

What are the average daily wages of the agricultural labourer, male and female, distinguishing between those who live with their employers and those who do not?

9. Do many of these agricultural labourers emigrate? If so, to what extent; and to what cause is such emigration attributed?

10. Do these proprietors generally live on their properties or in villages adjacent thereto?

11. How are they housed, fed, and clad, and what is their standard of living, and their general circumstances?

12. What is their average population per acre and the annual rate of increase in the population among the small proprietors, as compared with the urban population in their own country, and the annual rate of increase in other countries?

13 What is the prevalent public opinion as to the advantages or disadvantages of any part of the above system?

(B.)—Tenants and Sub-Tenants under Landlords.

Tenure.

1. What quantity of land is usually held by each?

2. What is the nature of the tenure, its usual duration, and leading incidents? Are sub-tenancies assignable by the tenant; and if so, must the landlord consent to such assignment?

3. How is the tenancy created, whether by parol or written agreement? When there is no agreement, what does the law declare or presume as to duration of tenancy?

4. Is there any system by which a written agreement may be registered, and what is its nature?

5. Is there any law or custom whereunder a tenant is considered as having a right to remain in occupation of his holding so long as he punctually pays the stipulated rent, or [illegible] rent to be determined from time to time by some legal Tribunal, or by agreement, subject [illegible]tion?

[illegible]stom where under a tenant is considered as having a right to sell his interest in his [illegible]ith or without consent of landlord; and if so, under what conditions?

Rent.

1. In case of tenancies is the payment to the proprietors made by a fixed amount in money or kind, or by share of the produce?

2. Is the rent regulated by custom, valuation or [illegible]tition? If by custom, what is the nature of the custom, and is it recogni[illegible] by Courts of Law? If by valuation, what is the mode of valuation, and by whom made? Is rent payable yearly or half-yearly, and is there a hanging gale?

3. Has the landlord an unlimited power of raising the rent, and of eviction in case of non-payment of rent, or breach of covenant, or otherwise?

4. What are the legal means or procedure by which the respective rights of proprietors and tenants for recovery of rents and other claims are enforced, and does the law confer upon the landlord any exceptional privilege over other creditors?

Evictions.

1. What are the legal means of procedure by which a landlord evicts a tenant? What notice is required to be served on tenants? What is the legal mode of resisting such eviction on the part of the tenant? And in case of eviction for non-payment of rent, is the tenant allowed any time to redeem?

2. Are such evictions frequent, and from what causes?

Improvements.

1. Are they executed (especially buildings) by landlord or tenant?

2. If by tenant, under what security, if any?

3. Has the landlord, upon resuming possession, a legal right to the improvements made upon the farm by the tenant, or does the law recognize any and what right in the tenant?

4. If so, how is such right defined, ascertained, and enforced?

5. Have tenants any means of raising loans for improvements of their holdings, either from Government, or special public companies or banks, aided by Government, or enabled by special law or charter to grant loans; and if so, on what terms, conditions, and security are these loans made?

Miscellaneous.

1. Are the relations between landlord and tenant friendly or otherwise; and is there any legislative interference required by the tenants for their better protection?

2. What is the mode of cultivation by these tenants; and in what respects, as regards cultivation of their farms, employment of labour, mode and standard of living, solvency, independence, and general circumstances and character, are they inferior or superior to the small proprietors?

3. What is the annual rate of increase in the population among tenants as compared with that of small proprietors?

4. Do these tenants or their children emigrate? If so, to what extent; and to what cause is such emigration attributed?

5. What is the prevalent public opinion as to the advantages or disadvantages of any part of the above system?

6. Has the creation of freeholds or tenancies by proprietors, or the granting of leases, been ever enforced by legislature? If so, to what extent, and upon what conditions?

7. In case of any such limitation of proprietary rights, has any, and what, compensation been granted to proprietors?

8. What is the state of public opinion as to the advantages and disadvantages of such system?

9. Have any steps been taken by Government to create or increase the number of owners or freeholders, and is any system now in force with this object?

10. Do tenants receive any assistance by law, public credit, or otherwise, in their endeavours to become proprietors of their own holdings or of other farms? Are such endeavours frequent? And in the desire to make them frequent or not?

11. How far do the laws in force tend to favour the accumulation or dispersion of land?

12. Are there any tenures resembling the copyholds [illegible] upon [illegible] which [illegible] or services have become, *or are becoming*, fixed by [illegible] What is their nature and mode of growth?

Answers to preceding Circular.

No. 1.

Mr. Ward to the Earl of Clarendon.—(*Received November* 8.)

My Lord, *Hamburgh, November* 5, 1869.

I HAVE not failed to devote my attention to the subject of your Lordship's Circular despatch of the 26th of August last, stating the desire of Her Majesty's Government to obtain full information in regard to the tenure of land in European countries, with a view to the settlement of the difficulties arising out of the system of land-tenure in Ireland, and inclosing a list of questions, showing the general character of the information sought for.

I have now the honour to inclose three statements explaining the condition of landed property, and of the owners, tenants, and labourers in the Hanseatic territories of Hamburgh, Bremen, and Lubeck respectively; also a similar statement showing the condition of the landed interests in the neighbouring Duchies of Schleswig and Holstein.

The result of these several statements is that the large estates are generally divided, and let to farmers on lease for terms of years, as in England, and that the rest of the land is in the hands of an independent peasantry ("Bauern"), who cultivate their own small properties with their own means, and are, upon the whole, a thriving set of people. The system of occupying lands as tenants-at-will, or from year to year, such as unfortunately exists in Ireland, is not known in this part of Germany.

I have, &c.
(Signed) JOHN WARD.

Inclosure in No. 1.

Statement as to Land Occupation and Land Tenures in Hamburgh, Bremen, Lubeck, and the Duchies of Schleswig and Holstein.

Hamburgh.

THE territory of the Republic of Hamburgh comprises 7,4[illegible] geographical square miles. The population, exclusive of the Prussian garrison, is 302,581 souls. The prevailing religious confession is the Lutheran, being 89·87 per cent. of the population. The Reformed (or Calvinists) form 1·9[illegible] per cent.; the Catholics, 1·92 per cent.; and the other Christian sects 0·24 per cent. of the population. The Jews and [illegible]tians make up the remaining 6·2 per cent.

The larger portion of the population is employed in commerce and [illegible] but one-third of it depends upon manufactures; a[illegible] number of per[illegible] their subsistence from the cultivation of the soil is little more than [illegible],000.

The cultivable Hamburgh territory is chiefly divided into the Geestland and the Marschland, each of which covers about two-sevenths of the entire surface. The Geestland, originally part of the Duchy of Holstein, is mostly northward of the city, and is a light sandy soil. The Marschland lies on both sides of the Elbe, and includes several small islands formed in the river. It is a strong clay, intermixed with alluvial deposits, and very fertile. The Vierlande district, near Bergedorf, extends over one and a

quarter square miles, and is appropriated to garden culture, which is deservedly celebrated in this part of Germany.

The land throughout the Hamburgh territory is in the hands of small proprietors, who live in their own houses, and cultivate their own soil. The size of the properties varies with the locality, as will be afterwards explained. There are no instances of farms let to tenants, on lease or otherwise, with the exception of the islets in the Elbe, which are State domains, and farmed by the lessees of the State under peculiar circumstances.

The law of inheritance in the Marschland district is, that where neither father nor mother has bequeathed the property to any one son, the eldest son takes it at a prescribed valuation, and pays the value of their respective shares to his brothers and sisters. In the Geestland district the same rule of inheritance is enforced by custom, with this difference, that the land to be divided is then estimated at the market price, instead of at an arbitrary legal valuation. When a father who is a landowner, becomes old or infirm, he frequently gives up the management to one of his sons, reserving a provision for himself and his wife during the remainder of their several lives.

Every landed estate within the Hamburgh territory must, according to law, have a page assigned to it in the State Register of Mortgages ("Hypothekenbuch"), on which it stands inscribed in the name of the proprietor, and on which all mortgages are entered in their order, so that the older mortgage takes precedence over those made later. The Register (although entitled the "Hypothekenbuch") is, in fact, one of both sales and mortgages; and only those persons whose names are entered on the register can have any legal rights to the property in question. Whether the sale of an estate is effected by private contract, or by public auction, it is not valid until duly inscribed in the State Register.

The cost of registering the sale or mortgage of an estate in the State Register Book is 6 marks currency (7*s.* sterling), and if merely a house or building, 3 marks currency (3*s.* 6*d.* sterling). There is a duty of 2 per cent. on the amount of the purchase-money, to be paid to the State by the vendor and purchaser in equal moieties. As no documents are required beyond the registration of the sale or mortgage, no further expenses need be incurred by either party concerned.

There are no Government Banks or public Companies which offer special facilities for raising loans upon landed property. There are, however, few estates within the Hamburgh territory which are not encumbered with mortgage debts. The State Register of Mortgages affords a good security to lenders, and a great deal of landed and house property is mortgaged nearly up to its full value. When a son takes an estate as before mentioned, subject to payments to be made to his brothers and sisters, their shares usually remain as charges on the estate. So, also, in cases of sale a portion of the purchase-money is almost always permitted to remain due upon mortgage security. The rate of interest is not fixed by law, and follows, in some measure, the rate of discount prevailing on the exchange. First mortgages at present pay 4 to 4½ per cent. interest; subsequent mortgages from 5 to 6 per cent.

The neighbourhood of a large city like Hamburgh has so great an influence upon the rural economy that a general system of cultivation can scarcely here be spoken of. The holders of small plots of ground raise chiefly vegetables for the city market. On the larger properties in the Geestland, a well-manured fallow is made to produce rye two or three times in succession, then oats once or twice, after which the land is allowed to lie fallow again, until it yields grass enough for cattle to be turned [illegible] and it is then manured, and in the next summer sown with potatoes, [illegible] always the chief crop; potatoes are planted merely for consumption on the farm.

The largest farms in the Geestland contain from [illegible] 150 Hamburgh scheffels, of 200 square rods, at 256 square feet to the rod, or from [illegible] to 186 English acres.* Upon these, from six to eight horses and twelve to twenty cows are kept. As cow-keeping, for the sale of fresh milk, is very profitable, most of the farms comprise good pasture land. The [illegible] have been mostly inclosed and divided amongst the parties having [illegible] Regular serving-men are employed on each farm, who receive [illegible] mark 5*l.* 6*s.* to 6*l.* 4*s.* sterling) per annum. Day labourers are not [illegible] in harvest time, they receive, on an average in summer, 1 mark 8 [illegible] sterling), and in winter 1 mark 4 schillings (1*s.* 6*d.* sterling) per diem [illegible] board. Women are employed in field labour only during harvest time, and are paid rather lower wages than the men so employed.

In the Marschland, wheat, barley, and beans are cultivated in addition to rye and oats. The largest farms comprise about twenty Hamburgh morgens of 600 square rods at

* 1 Hamburgh scheffel equal to 1 acre 6 perches English.

196 square feet to the rod, equal to 46½ English acres* which are thus cultivated. On a farm of twenty-four morgens, fourteen morgens are kept under the plough for tillage, four are laid down in pasture, and six morgens are used for the production of Hay. Upon a farm of that size, from six to ten cows, besides heifers, and four horses are kept. The pasture in the Marschland is not sufficient for so many cows as in the Geest-districts. The farm-servants usually consist of two serving-men, a boy, and two maids. Day labourers are only employed exceptionally, and their wages are from 1 mark 4 schillinge, to 1 mark 8 schillinge (1*s.* 6*d.* to 1*s.* 9*d.* sterling) per diem. On the islets of the Elbe, which consists of grass-land, and produce nothing but hay and milk, very little labour is required to be employed.

It is not the practice to raise stock-cattle either in the Marsch or the Geest-land, the production of milk for the use of the city being found more profitable. The proportion between tillage and grass-lands is in the Geest-district as two to one; in the Marsch (exclusively of the Elbe-islands) the quantity of grass-land does not exceed one-fourth of the whole.

Machinery has hitherto been but little introduced into the Hamburgh farms, although some threshing-machines, worked by horse-power and steam respectively are to be seen. The small size of the farms would in many cases render the use of machinery an unnecessary expense.

Where wages are paid to day-labourers, it makes no difference whether they live on on the farm or not. If the farmer lets a dwelling to a labourer, he sometimes imposes the condition that the latter shall give him three or four days of work gratis during the the harvest time.

There is no emigration worth recording from the Hamburgh territory. Where it takes place, it is in individual cases only. The larger land-owners are in general very well off, and even among the smaller land-owners little distress is perceptible. Pauperism cannot be said to exist nominally among any of the classes who depend on agriculture.

The population of the Geestland being 42,508 souls, and its surface equal to 29,199 English acres, it follows that in that district there is about one inhabitant and a half to the acre. The Marschland contains 20,134 souls, and a surface equal to about 27,016 English acres, so that its population is in the ratio of nearly three-forths of an inhabitant to each acre. By the influx of artisans and other workmen the population of the Geestland has received an increase of about 15,000 souls in the last twenty years. The number of the peasantry, or actual cultivators of land does not increase, as the destructive principle of the division of the land among all the children *of a proprietor* is happily not here carried out.

The small proprietors in the districts referred to are a slow-thinking race of people, troubling themselves little about politics, and disliking changes of any description. The neighbourhood of the city however, and the new socialistic theories with which the heads of all classes of workmen have of late years been filled, have not been without their influence upon the labouring men in the agricultural districts. The proprietors as has already been stated, live comfortably, and some of them are wealthy; they are, however, rather addicted to grumbling, and whether the harvest be good or bad, they seldom express themselves satisfied, but seem reluctant to admit the fact that they are doing well,—a characteristic which belongs otherwise to the farmers of many other countries.

The above statement is given upon the authority of the Land Department of the [illegible]ment of Hamburgh. The remaining Queries relative to the situation of tenants and [illegible] inapplicable to the circumstances of the small Hamburgh territory, because, as [illegible]plained, the landed properties are not let out, either on lease or otherwise, and the [illegible]f landlord and tenant does not therefore in general subsist.

Bremen.

The territory of the Republic of Bremen comprises 4,671 geo[illegible] square miles, and is thus distributed:—

	Morgen.†
The town of Bremen [illegible]mprises	6,683
Vegesack and Bremerl[illegible]en	728
Total..	7,411
The rural districts compri[illegible]	90,384
The bed of the Weser	1,858
Total of territory	99,653

* 1 Hamburgh morgen equal to 2 acres 1 rod 12 perches English.

† 1 Bremen morgen equal to 2,572 square mètres French, or 2 roods 21 perches English measure.

The population on the 3rd of December, 1867, when the last census was taken, was as follows:—

	Souls.
The town of Bremen	74,574
Vegesack and Bremerhaven	12,515
Total	87,089
Rural districts	22,789
Total population	109,878

The prevailing religious confession is that of the established Lutheran Church, and the occupation of the people are principally commercial, the agricultural population being comparatively small, and the only manufactures of any consequence being shipbuilding at Bremerhaven, and distilling and cigar making in the city of Bremen.

The whole of the land in the Bremen territory is in the possession of the cultivators of the soil, with the exception of a few isolated cases in which leases have been granted. There are 3,229 distinct properties, varying in extent from 5 to 1,000 morgen, as the following Table will show:—

Size of Farms.	No. of Farms.	Size of Farms.	No. of Farms.
Under 5 morgen ..	1,647	From 150 to 200 morgen ..	88
From 5 to 20 „ ..	671	200 to 300 „ ..	41
20 to 50 „ ..	368	300 to 500 „ ..	10
50 to 100 „ ..	239	500 to 1,000 „ ..	2
100 to 150 „ ..	162	Of 1,000 and upwards ..	2

The division of property on the death of the owner follows the prescription of the Roman law. The freehold farms in the rural districts cannot be divided, but the owner is at liberty during his lifetime to appoint one of his children as his successor, either by deed or by will. In case of intestacy the property falls to the eldest son; should there be no sons, to the eldest daughter, or to the nearest male descendant of the former proprietor. Should there be no descendants, the Roman law of succession comes into force, and the legal heirs are bound either to agree upon some one of their number as successor to the property, or to sell the same. The co-heirs of the new proprietor (the number of whom is prescribed by Roman law) must receive compensation from him, amounting in full to from one-fourth to one-half of the value of the property, according to their number. On the dairy farms ("Meierguter") which are subject to a law of divided ownership (which properties are, however, on the decrease, owing to the extinction of seigneurial rights), the law of descent is the same as upon the freeholds; in the absence of descendants the property falls to the seigneurial lord on the death of the owner.

The sale of landed property takes place only by a judicial decree based upon a contract of sale, or upon inheritance. The expenses of the sale amount altogether to $1\frac{3}{8}$ per cent. of the value of the property, including a duty of 1 per cent. to the State Treasury.

The rate of interest paid for mortgaged property varies [illegible] 4 to 5 per [illegible] according to the value of the property and the security of the [illegible] of mortgages costs a quarter of a dollar, or 10*d.* sterling.

The principal crops cultivated are rye, o[illegible] and [illegible], which are [illegible] in rotation. The grass-lands of the Bremen territory [illegible] about [illegible] cattle every year.

[illegible] of the State the distribution is as follows:—

Description.	Morgen.	[illegible]	[illegible]
Buildings and courtyards	2,894	Heath	[illegible]
Fields, vegetable, and arable land ..	33,839	[illegible]	[illegible]
Pastures	11,550	Streets, [illegible] dykes, and water	[illegible]
Meadows	32,806		
Woods	1,113	Total	[illegible]

As a rule the husbandry is carried on without the aid of machinery. The hired servants, who live with their employers, receive from 30 to 50 Bremen dollars (5*l.* to 8*l.* 2*s.* 6*d.* sterling) per annum, including board and lodging. Day labourers receive from $\frac{1}{4}$ to $\frac{3}{4}$ of a dollar (10*d.* to 2*s.* 4*d.* sterling) per day, without board and lodging.

Women receive from 20 to 40 dollars (3*l.* 6*s.* 8*d.* to 6*l.* 13*s.* 4*d.* sterling) per annum, with board and lodging; but when working by the day they receive from ¼ to ½ a dollar (10*d.* to 1*s.* 8*d.* sterling) per day, without board or lodging.

According to the last census, the number of persons employed in agriculture was as follows:—

Members of occupiers' families (children and other relatives)	999 persons.
Hired servants	1,399 „
Day labourers	507 „

The number of females comprised in the list was—

In occupiers' families	504 persons.
Hired servants	810 „
Day labourers	121 „

Emigration occurs only in very rare instances among the rural population, and the small proprietors are generally in circumstances of sufficient comfort to support their families respectably.

The average population of the rural districts, according to the last census, is 29 inhabitants per Bremen morgen, or about 46 per English acre. The increase of the rural population within the present century will be seen by the following Table:—

Year.	No. of Inhabitants.	Year.	No. of Inhabitants.
1812	10,612	1864	21,977
1842	16,629	1867	22,789
1855	19,501		

The agricultural population is upon the whole very well satisfied with the present state of things.

The above statement is made upon the authority of a communication with which I have been favoured by the Government of Bremen.

Lubeck.

The territory of the Republic of Lubeck comprises five and a half geographical square miles. The population is 49,183 souls, and the prevailing religious confession is the established Lutheran. The people are chiefly occupied in agricultural and commercial pursuits, scarcely any other manufactures being carried on than those required to supply the wants of the inhabitants.

The system of land occupation is of a three-fold character. About one fourth of the territory is the domain of the State, and is let upon leases of 10, 14, or 20 years, the latter period being now the most frequent. Another portion is in the possession of independent landowners; and the remainder, about one-half of the whole, is the property of various persons, but is subject to the seigneurial control either of the State, or of the Corporations which have succeeded to the rights of former religious houses. This control does not, however, hinder the owners of such land from the full exercise of proprietary rights, subject to the formal consent of the superior Lord in the event of sale or transfer.

The largest estates belong to those persons above-mentioned, who enjoy undisturbed possession. One of these is equal in extent to 1,500 English acres; there are five others exceeding the size of 400 acres; while the farms on the seigneurial lands do not exceed 30 acres.

The laws regulating the descent or division of property depend upon the way in which it is held. As already stated, the independent owners have full liberty to sell or beqeath their property in whole or in part; but where seigneurial rights are exercised either by the State or a religious corporation, all changes of ownership must take place in accordance with the ancient usages. As a rule, the eldest son inherits the property on the death of the father but there are districts where the youngest son is the legal heir, while in others the father is at liberty to choose one of his sons to succeed him. In all cases, however, the new owner must arrange with his brothers and sisters as to their respective shares, and give proof of their consent to the authorities concerned before obtaining their sanction to his ownership, which is given in the form of a family settlement ("Hansbrief") and duly registered. Where such sanction is not required, there is no legally prescribed form of conveyance, but the assistance of a lawyer is generally taken advantage of to prepare a contract of sale.

The cost of preparing a family settlement varies, according to the size of the ground, from 1⅓ dollars (4*s.*) to 13⅓ dollars (39*s.* 6*d.* sterling); in addition to which a duty of 1 per cent. on the value of the property is payable into the State Treasury.

The rate of interest upon mortgages averages from 4 to 5 per cent. All mortgages are registered in a book kept for the purpose, for which a duty is payable of from one-quarter to one-half per cent. on the value of the property.

The crops raised are rye, wheat, barley, oats, pease, beans, tares, potatoes, and turnips. Those farms which are large enough to permit a rational system of cultivation to be carried out are generally divided into seven parts, each of which lies fallow for the first year. In the second year wheat or rye is raised; in the third, barley or oats; in the fourth, pease, beans, and potatoes; in the fifth, rye or oats; and in the sixth and seventh years, the land is laid down in grass. The portion of land used for grazing is only equal to one-fifth of the arable land.

No stock being raised or fattened for market, only those cattle are kept which are required for farm-work. The use of agricultural machinery has increased considerably of late years.

The farm-labourers usually live with their employers, but those who are married generally occupy cottages belonging to the estate on which they are employed, and secured to them by contracts, terminable by six months' notice on either side. Contracts for service are always made for a year, subject to three months' notice.

The wages of those labourers who live with their employers are from 40 to 50 dollars per annum (6*l.* to 7*l.*); women receive about half these sums. Those who live in their own cottages are frequently paid in kind, and the value of what they get may be estimated to amount to from 200 to 220 dollars (30*l.* to 33*l.*) per annum for a man and his wife. When day-labourers are employed they receive from 16 to 24 schillinge (1*s.* 2*d.* to 1*s.* 9*d.*), women, from 10 to 16 schillinge (9*d.* to 1*s.* 2*d.*) per day; but during harvest-time the wages often reach 1 dollar (3*s.*) per day.

Emigration occurs only in rare and isolated cases, and the scarcity of labour has led to the influx recently of immigrants from Sweden.

The small proprietors generally live in circumstances of great comfort, and the relations between landlord and tenant, where such exist, are very friendly.

The agricultural population is reckoned, on an average, as one family to every 100 Hamburgh morgen, or about 225 English acres.

The increase of the rural population is not so great as that in the town, owing to the town, owing to the desire which prevails to set up a home either in the town itself or its suburbs.

The relations existing between the occupiers and their labourers are generally of a very amicable nature, and no wishes have been expressed either by the Government or by the people for any alteration of the existing system.

The above statement is made upon the authority of a communication with which I have been favoured by the Government of Lubeck.

Schleswig-Holstein.

The Duchy of Schleswig covers an extent of 161 and that of Holstein 160 geographical square miles, together 321 square miles. The population, according to the census taken on 3rd December, 1867, was:—

.. ..	404,227 souls.
.. ..	577,491 „
.. ..	981,718 souls.

The people belong almost entirely to the established Lutheran Church, the exceptions being about 6,000 Catholics and 5,000 Jews. The industrial pursuits are chiefly agricultural; the manufactures established at Altona, Neumunster, and other towns being of small importance. There is a great deal of good arable land in the Dutchies on which crops of wheat, oats, and barley are raised, and also much pasture land belonging to dairy farms which supply butter and cheese to distant markets. The pasture in Ditmarsch and other marsh districts is very rich, and large numbers of cattle and horses are fed upon it. There are no longer any serfs or labourers compulsorily attached to the soil, the system of villenage having been abolished in the year 1805.

The greater part (certainly more than half) of the lands within the Duchies belongs to noblemen and other large proprietors, who parcel them out and let them to farmers upon lease. The rest of the soil is in the hands of peasants and small proprietors, who live upon and cultivate their own land.

The average size of the large estates is from 4,000 to 6,000 English acres.* There are, however, some larger properties. The largest estate in Holstein is that of Count Hahn, a highly-respected Catholic nobleman, at Neuhaus, which covers 10,000 acres. These estates are divided into farms varying in size from 100 to 1,500 acres; for instance, the estate of Quarnbeck, bordering on the Schleswig-Holstein Canal, the property of M. Schiller, comprises about 4,000 English acres. It is divided into the Mansion-house farm of 1,200 acres, two smaller dairy farms of 600 and 400 acres respectively, and five or six villages distributed into small farms of from 100 to 200 acres each. The whole of this land is let on lease at a rent of 13 Prussian dollars per tonne, or 39*s.* per English acre, inclusive of all services or demands upon the tenant. It is difficult to obtain a higher rate of rent; some farms are let rather lower, but for good land it may be taken as the present price. It was formerly the custom for the landlord to reserve, in addition to the rent, a supply of milk, butter, and other articles for the use of his household, but in modern leases this has seldom been done.

The farms are let on lease for terms of seven, fourteen, or twenty-one years; mostly for one of the two latter terms; at the end of which the proverty reverts to the landlord unless the lease is previously renewed. The tenant binds himself in the meantime to the due cultivation of the land according to the custom of the country. The lease is in general not assignable to a sub-tenant without the landlord's consent.

The farms are always let by written contracts in the nature of leases. Holdings of land at the mere will of the landlord, or from year to year by verbal consent, as in Ireland, are unknown in these Duchies.

The contracts in the nature of leases are not registered in any public office. The tenant has no legal right to keep possession under any conditions after his lease is out, nor can he sell his interest in the farm without the landlord's express consent. A valuation of the live and dead stock is made on the entrance of a new tenant, who pays for the same, and is repaid by the landlord when his term has expired and he gives up the farm.

The rent is reserved in money to the amount fixed in the lease. It is payable half-yearly, and mostly in advance. Where there is a difference of opinion, the amount of rent to be paid is fixed by the valuation of two competent persons, one named on each side. The landlord cannot raise the rent beyond the sum fixed by the lease. In case of non-payment, or of breach of covenant, the lease empowers him to evict the tenant, and the Courts of Justice will enforce that right, if appealed to. As against other creditors of the tenant the landlord can only enjoy such exceptional privileges as may be expressly stipulated in the lease, otherwise he is on the *same footing* as the other creditors.

Cases of compulsory eviction of tenants very seldom occur, The lease provides that all disputes relative to payment of rent or performance of covenants shall be referred to arbitration. Each party has to name either one or two arbitrators, who are to choose an umpire, and a Court of Arbitration is thus formed whereby such disputes are settled without much difficulty.

New buildings and other improvements are usually executed by the *landlord*, who of course is entitled to the benefit of them on the expiration of the lease. The tenant is only expected to make good such trifling wants of repair as may arise out of the ordinary wear-and-tear of the premises. The tenants have no means of procuring pecuniary assistance either from the Government or from any Government Bank within the Duchies, but the tenants not unfrequently obtain loans from private bankers. There is a Joint-Stock Bank at Flensburg, and a private Bank at Kiel, which are known to do considerable business in this way.

The relations between landlord and tenant in Holstein and Schleswig are generally friendly, and no legislative interference is called for. Some of the farmers are men of superior intelligence and possessed of capital. As regards both the cultivation of their farms and their standard of living they are, upon the whole a superior class to that of the peasants.

The mode of cultivation of the farms in question is as follows:—In the first year after the fallow rape-seed is sown; in the second year, wheat; in the third, barley; in the fourth, peas, beans, or vetches; in the fifth, oats; then the land lies in grass as pasture for three years, making a rotation of eight years, after which the fallow again succeeds. The so-called three years' course of husbandry has been almost wholly disused both by farmers and peasants in these Duchies.

Among the tenants who hold small farms in the villages the population increases more

* The land measure is the Holstein tonne, containing 240 square rods. As 20 tonne are equal to 41 Prussian morgen, and the Prussian morgen is equal to 2 roods 21 perches English, the tonne is very nearly the same size as the English acre.

rapidly than among the independent peasantry, which may be taken as a sign that the former class of persons is the richer of the two. There is very little emigration from these parts, and it cannot be said that discontentment prevails either among the farmers or the agricultural population. Under the existing laws no undue dispersion of land takes place, and the relations between landlord and tenant appear quite satisfactory. Neither the former Danish Government nor the Government of Prussia which now administers the affairs of the Duchies, has found it necessary to take measures for creating new freeholds, or for the limitation of proprietary rights.

With respect to the peasantry or small proprietors, the quantity of land held by them varies considerably. They may be divided into three classes, viz.; the full peasant ("bauer" or "hüffner"), who possesses about 100 English acres; the half-peasant ("halb-bauer"), who possesses 50 acres; and the small peasant ("kathner"), who holds a patch of land under the size of 15 acres. These small properties are very much intersected, especially where they lie in large villages; and the intersection is often found to be inconvenient and to increase the expense of cultivation. But no remedy beyond occasional exchanges has been suggested for such inconvenience.

The law of descent differs in different parts of the Duchies so much that no general law of descent can be said to be established. In some districts (that of Angeln in Schleswig for instance) the eldest son inherits, in others all the children have equal rights of inheritance, in which case one child usually takes the property and pays to the others the value of their shares, or gives them mortgages upon the estate. Sales as well as mortgages of land must be registered in the district register-book ("Hypothekenbuck"), and it is from the registration, not from deeds or contracts, that a title to real estate is derived. The costs of registration in the district-book consist solely of duties payable to the Crown, and amount to about 1 per cent. upon the value of the property. In the southern parts of Holstein the estates of the peasants are mostly mortgaged, and the interest payable thereon is at present from 3½ to 4 per cent. per annum; but in some districts, particularly in Angeln, the land is entirely free from incumbrances, and the peasant is proud of being the undisturbed master of his own little domain.

The crops are raised by peasants, and the rotation of their husbandry are much the same as those of the tenant farmers. The extent of meadow land throughout Schleswig and Holstein is equal to about one-fifth of the land under the plough; but cowkeeping is very profitable, and some of the dairy farms produce large quantities of butter and cheese for exportation. The small proprietors in Angeln and farther north in Jutland breed stock cattle to a limited extent; but this cannot be said to be generally done by the peasantry of the Duchies.

Some machinery has been introduced of late years, and threshing, sowing, and mowing machines are now to be seen on the properties both of the farmers and of the peasants. Hired labourers are sometimes employed in addition to the regular farm servants. A full peasant owning 100 acres usually employs five farm servants (of which two are females) who live in his house, and one or two day labourers for whom lodgings are provided. Of the three serving men, the best man receives as wages 40 Prussian dollars, or 6*l.* sterling, per annum; the next best 30 dollars, or 4*l.* 10*s.* sterling; and the third 20 dollars, or 3*l.* sterling. A day labourer receives in summer 12 schillinge, or 11*d.* sterling, and in winter from 8 to 10 schillinge, or 7*d.* to 9*d.* sterling, diem. A female labourer usually gets about 2 schillinge, or 2*d.*, per day less than the

[illegible] labourers are likewise provided with board as well as lodging.

There is [illegible]tion from the peasants' properties. Their dwelling-houses are mostly on their own la[illegible] they are well fed and clothed; and live on the whole very comfortably.

The aggregate population of the two Duchies of Schleswig and Holstein being now in round numbers about 1,000,000 souls, and the surface comprising rather more than 3,500,000 English acres, it follows that they contain one inhabitant to every 3½ English acres. The population of the agricultural districts is, as already mentioned, on the increase, especially in those villages where the land is farmed by good tenants. The increase is not so rapid as in the manufacturing towns. That the Duchies are essentially an agricultural country, and the inhabitants of the few towns which they comprise, such as Altona, Kiel, Flensburg, and Neumunster, bear but a small proportion to the mass of the population. The people of the Duchies are fully aware that, as compared with many other countries, they are, materially speaking, very well off. Farmers are everywhere disposed to grumble, and complaints of the pressure of taxation have been rife since the annexation of the country to the Prussian Monarchy; but the system of land tenure is not considered by the inhabitants as a grievance, or by the Government as in anywise calling for legislative reform.

The above statement has been prepared from information derived from managers of estates and other practical men who have resided in the Duchies, and from some personal observation.

(Signed) , JOHN WARD.

No. 2.

Mr. Jocelyn to the Earl of Clarendon.—(*Received October* 30.)

My Lord, *Stockholm, October* 22, 1869.

I HAVE the honour to acknowledge the receipt of your Lordship's circular despatch of the 26th of August last, directing me to cause a Report to be drawn up in reply to certain queries contained in that despatch respecting the tenure of land in Sweden.

I have requested Mr. Gosling, Third Secretary at this Legation, to make this report—his long residence in this country and intimate acquaintance with the language affording him special facilities for gaining accurate information in this matter.

Certain of the questions contained in the inclosure in your Lordship's despatch involve points which can only be explained and answered by a competent legal authority—different laws and customs as to the tenure of land prevailing in the several provisions of the kingdom.

Mr. Gosling has lost no time in seeking for the information required, but he informs me that, owing to the difficulty of obtaining reliable answers to some of the queries, and of testing the accuracy of many of the statements received, the Report can scarcely be ready before the close of the present year.

I have, &c.

(Signed) NASSAU JOCELYN.

No. 3.

Mr. Barnard to the Earl of Clarendon.—(*Received November* 9.)

My Lord, *Coburg, November* 6, 1869.

I HAVE the honour to transmit to your Lordship the inclosed answers to the queries relative to the laws and customs affecting the tenure of land in the Duchy of Saxe Coburg Gotha, conveyed to me in your Lordship's despatch of 26th August last.

I have, &c.

(Signed) CHARLES T. BARNARD.

Inclosure in No. 3.

Report relative to the Laws and Customs affecting the Tenure of Land in Saxe Coburg Gotha.

Name of Country.—Duchies of Saxe Coburg Gotha.

Population.—Coburg, 50,000; Gotha, 119,000.

Religions.—Protestant and Roman Catholic.

Industrial Pursuits.—Agriculture particularly; toys and plaything in wood and papier maché; weaving in cotton, wool, and linen; printed stuffs; basket making, both useful and ornamental; porcelain; stoves made with Dutch tiles; shoe manufactories; maps and geographical works; breweries; salted and pickled meats; hams and sausages; sawing, paper, iron, and other mills.

LAND OCCUPATION.

(A.) By far the greatest part is occupied by small proprietors.

(B.) Generally speaking tenants exist only—

1. On larger properties, and, in fact, on only those belonging to the Ducal House, and where there is a Manor House;

2. On properties belonging to the Church and Rectories;

3. On properties belonging to towns.

Sub-tenants under intermediate tenants scarcely exist. No statistical information is to be procured as regards the proportions of these several systems, but it is presumed that nine-tenths of all landed property is in the hands of land-owners, and one-tenth in those of tenants.

(A.)—Small Proprietors.

1. The quantity of land belonging to one land-owner differs greatly. The smallest property belonging to one owner, and who depends on the cultivation of it as the means of existence, may be rated at 60 acres, the acre,—equal $\frac{9}{16}$ths of the English acre,—equal $33\frac{2}{3}$rds English acres.

Whole properties lying together are very rare.

It is, indeed, at the present moment, the wish of the Government that all properties should in a great measure be divested of outlaying fields and be made more compact by the addition of others which are adjoining, in exchange for those at a distance, and at a valuation. This system has made great progress in Gotha. In the Duchy of Coburg the land-owners are so strongly opposed to this measure that it has been abandoned.

2. There are no particular laws as to regulating the descent and division of landed property on the death of the owner. The landed property is divided amongst the heirs according to their claims when the several parts do not prove to be too small for cultivation, if a division takes place.

3. The sale, transfer, exchange, or division of property must be transacted legally and entered in the public Register. The usual relative cost is little above 1 per cent. of the value of the property in question.

4. Loans can be obtained from the Government Fund, which furnishes money to an hypothecator. The conditions exact that the property be worth twice as much as the amount of loan, also that independently of the interest a certain sum be paid towards the gradual diminution of the debts. These loans are generally necessary for the payment of purchase-money or to satisfy the claims of heirs, or for the payment of debts incurred by former possessors.

5. The property of small owners are generally much burdened with mortgages, but there are many exceptions; there are districts of 3,800 acres, equal 1,687 English acres, which have not above 7,000 dollars, equal 1,500*l.* similar debts. Others, on the contrary, of from 1,400 acres, equal 787½ English acres, with 2,000 dollars, equal 3,000*l.*; some of 2,200 acres, equal 1,237½ English acres, with 56,000 dollars, equal 8,400*l.*, debts of mortgage. The usual rate of interest was until 1866, 4 per cent. but is now $4\frac{3}{4}$ per cent.

6. These mortgages are all legally registered by a magistrate, and the cost is 2 per cent. on small loans; or larger sums it amounts to 1½, 1¾, down to ⅓ per cent. on the amount of the capital.

7. Crops raised, winter—corn, wheat, and rye; summer—corn, barley and oats, peas and vetches, potatoes, beet, clover, esparsette, lucerne.

On small properties the (Dreifelder) or trienniel system is practised, viz.: wheat on [illegible] on [illegible] it two thirds of potatoes or beet, peas or clover, and one-third quite fallow.

Esparsette and lucerne always sown.

The above rotation is in great practice and considered to be the best, as giving the largest quantity of corn, (the principal and most valuable crop) independently of straw which furnishes litter, food, and manure.

In those districts, where the properties are compact, (having no outlying fields) the proprietors are gradually changing their system, and never sow two crops of corn in succession, in the same field, but always have a crop of peas, clover, or beet in the intermediate year. The fields are ploughed generally three times for wheat and rye, as also for potatoes and beet, but in a clayish soil, four times.

Where wheat and rye succeed a crop of peas, potatoes, or beet, the soil is only ploughed twice, and if the soil is sufficiently loose, only once.

For barley, oats, and peas, the soil is ploughed twice, viz.: once in autumn and once in spring. Ploughing is of course succeeded by harrowing, and if necessary, by rolling. When sowing barley, oats, and peas, the plough is used; for wheat and rye, the harrow.

On small properties, where only horned cattle are used for draught, the decrease by sale or otherwise, is replaced by breeding calves. Although generally speaking, many horses are bred in the country, particularly in the Duchy of Gotha, many people prefer buying foals which came from a distance, and can be bought at fairs held for the purpose.

The horses when much worked, are fed with oats, chaff, and hay, otherwise only with chaff and hay. Horned cattle are fed with potatoes, beet, and hay. Sheep when not on meadows, or downs, have hay and straw. Pigs are fed with spare milk, swill, groats, peas, and inferior corn.

The proportion of grass lands is one-twentieth to those of tillage.

8. There being no want of labourers, no machinery is employed on small properties. Owners of 25 to 34 acres have seldom servants or labourers: all work, both in the house and the fields, is done by the family. Owners of 35 to 70 acres have one man and one woman in the house, but no labourer. On properties exceeding 70 acres, there are, besides the house servants, labourers for field work and threshing.

Easy work, such as hoeing potatoes and beet, &c., hay-making, collecting corn when cut, digging potatoes, &c., is done by the wives and grown up daughters of the labourers. Where all manual labour in the fields is done by day labourers, one man with wife and grown-up daughter are sufficient for 80 to 100 acres.

Of the labourers who live in the house, and are fed, a man receives annually 35 to 50 dollars, equal 5*l.* 5*s.* to 7*l.* 10*s.*; a woman, 18 to 20 dollars, equal 2*l.* 14*s.* to 3*l.* 15*s.*

There is much difference between the wages of day labourers who have their own houses and the wages of their grown-up children living with them. There are daily wages paid either in money or *in naturâ*. For threshing, for instance, which is all done by hand, the labourer receives one-sixteenth of the corn threshed, which is a great help to a family, who has therefore not only bread, but also wherewith to feed a pig or two.

The rate for harvest work may be stated to be from 2*s.* to 3*s.* per acre for wheat and rye, and 1*s.* 6*d.* to 1*s.* 10*d.* for barley and oats. Some day labourers live with and are fed by the landowners, in which case a man receives 6*d.*, a female from 3*d.* to 4*d.* daily. If not fed by the landowner, a day labourer receives from 11*d.* to 1*s.* 2*d.*, a female from 7*d.* to 9*d.* daily. Generally speaking a day labourer with family is far from well off, if he does not possess a house and sufficient garden, or hired ground to enable him to grow potatoes enough for his family and for feeding a pig. Notwithstanding the pitiful state of such people, it is seldom that we hear them blame or reproach their employers; their only wish is to give up the agricultural life and to find work in some branch of industry. The result of this state of things is already felt in the scarcity of good day labourers in the country, and will naturally soon cause a claim for higher wages.

9. Emigration of such labourers to other countries is but rare, nor does it take place unless they or some of the family cannot find employment.

10. Small landed proprietors live, nearly without exception, on their property.

11. The usual way of life of small landed proprietors is generally plain, homely, and frugal in their wants; their dwellings are small and even if clean by no means comfortable. In most cases the whole family, with serving-people, live in one room on the ground floor. It is only in the houses of persons in better circumstances, that the serving-people have a room to themselves and do not take their meals with their employers.

In the upper story of these houses, the front side of which looks into the farm yard, there is a large room, but which is never used, perhaps for years except on occasions.

The food of such people is almost exclusively confined to those articles, which the property produces. The only meat they consume is salted or pickled.

The clothing of the small landholders is plain but well adapted to their occupations.

The dress of the women remains much more in the old fashion than that of the men. No change has taken place in it, the only appearance of luxury may be that of the stuff, which is, though still of the same colour, of a better quality. Their head-dresses remain the same.

This frugal and economical way of living has done much good, and to it must be ascribed the very evident amelioration of the peasantry. Their debts have been reduced, and many have even saved small fortunes.

12. No statistical information, as regards the average population per acre, and annual rate of increase of the population among small proprietors as compared with urban populations in their own country, and the annual rate of increase in other countries, is to be obtained. It is, however, presumed that there is a decrease in the former. The property of a small landowner may generally be computed at from 45 to 56 English acres.

13. The small proprietors of the middle-class of agriculturists are greatly respected. A number of substantial landowners cannot fail to be a great advantage to a country, where they purchase many articles for their own use and consumption, and thereby further trade and industry. The public revenue is a gainer by them, as the taxes they pay are sure and considerable. They are, altogether, respectable and very industrious people, and not disposed to take any part in acts of opposition.

(B.)—Tenants and Sub-Tenants under Landlords.

Tenure.

1. Generally speaking, there are only tenants on large properties, as little can be gained by the lease of small farms, and a tenant seeks therefore the lease of at least 450 English acres.

2. The duration of a tenure is from twelve to eighteen years. If the tenant dies during this time, and one of the heirs is willing and capable of undertaking the tenure, he is considered to have a claim to it, at least, as long as until the term is expired.

All cattle, implements, &c., are mostly the property of the tenant. He must give security for the punctual observance of the agreement. Sub-tenancies require the consent of the landlord.

3 and 4. Tenancies are created by written agreement. There exists no law as regards the duration of the lease where there is no agreement, neither as to leases being registered.

5. No law or custom exists whereby a tenant is considered as having a right to remain in occupation, so long as he punctually pays the stipulated rent. It is the custom for a landlord to announce publicly that a farm is to be let, and a day is fixed for receiving the different offers. He can by this means become better acquainted with the character and circumstances of each bidder before he makes his choice.

6. Neither law nor custom permit the sale of a lease without the knowledge of the landlord.

Rent.

1. Rent is usually paid in money, with security. It is seldom that security consists *in naturâ*, and even then, as an exception, only as regards a small part of it. A division of the harvest never takes place.

2. Rent is regulated by competition, sometimes by direct intercourse between landlord and tenant. Rent is to be paid quarterly, and punctually.

3. The agreement having been made for a certain time, the landlord has no right to raise the rent before its expiration.

The landlord generally reserves, in the contract, in the following cases, the right to evict a tenant, viz.:—when the rent is not paid within a year; when the tenant becomes a bankrupt; when he is convicted and sentenced to a degrading punishment; when he does not fulfil the conditions of the contract, and thereby deteriorates the farm.

4. There are no legal means by which the respective rights of proprietors and tenants for the recovery of rents and other claims can be enforced, neither does any law confer on the landlord any exceptional privilege over other creditors.

Evictions.

1. The landholder can only evict the tenant from his farm by law, and then only when the suit has terminated in favour of the former.

An agreement cannot be annulled before the term of the lease is expired, unless the tenant neglects to observe some condition stipulated in the lease.

When the lease is out the tenant must go. If a tenant neglects to pay rent for two years, the legal authorities will not permit him to remain in order to redeem.

2. It is seldom that steps are taken by landlords for the removal of tenants.

Improvements.

1 and 2. The terms of agreement on this subject are not the same in all contracts. In some, it is stipulated that the landlord, in some, that the tenant, shall pay for all improvements; in other, that the landlord and tenant together shall undertake them, but with the condition, that the landlord shall take charge of the whole, and receive one-third or one-half of the outlay from the tenant.

The improvements are, however, generally left to the tenant, except in the case of draining, where the landlord alone undertakes the work, on condition, however, that the tenant not only pays him the interest of the outlay, but, further, a yearly stipulated sum for each case of drainage, security being furnished by the tenant.

3 and 4. There is no law respecting the improvements which the tenant has made on the property. It is customary to have it specified in the contract, that the tenant should renounce all claims for improvements. This is the step taken in order to avoid groundless and exaggerated claims and consequent disputes.

5. There exist neither government nor private special companies or banks which advance money to tenants wherewith to make improvements. The tenant must, if he needs money, take the usual steps for procuring it.

Miscellaneous.

1. The relations between landowners and tenants, who always belong to the best class of farmers, are with few exceptions very good and friendly. The tenants are protected by the general laws. Particular laws are unnecessary and do not therefore exist.

2. The tenants, in comparison with the small proprietors, are much better educated in every way. They are also industrious and intelligent. They have generally been bred up in better classes.

3. No statistical information can be procured on this point, nor would it probable be of much interest, as the small proprietors and the tenants in the North and Middle Germany belong, although of the same vocation, to very different classes.

4. Emigration of tenants from one German State to another occurs frequently, as when their leases are expired they often remove to another State, but they seldom or ever leave Germany.

5. It is looked upon as a great advantage when large landholders who have generally no great knowledge of farming, have as neighbours, tenants on large property who can assist them. On the other hand it is to be regretted when small properties are in the hands of tenants, who without capital always deteriorate the land, and who if any misfortune befalls them are reduced to poverty.

6, 7, 8 and 9. The Government has always avoided to interfere in the manner in which the property of large and small landowners is administered, being confident that the owners will always know best what they ought to do, and that they will, *by* mutual discussions, make those alterations which they find most *necessary* and most conducive to *their interests.*

10. *Tenants wishing to become proprietors* of their own or of other holdings receive no pecuniary assistance from the Government. If they have earned sufficient capital they will never fail to find plenty of land which they can purchase.

11. The Government neither favours the accumulation nor the dispersion *of land,* except in the cases mentioned in No. I (A) small proprietors.

Copyhold.

No copyholds exist like those in England. Something similar is, however, known here viz., a copyholder ("Erb Pachter") is bound by contract to render different servic obligations; and he has not only the right to entail the property, but also to condition, however, that the property in case of the extinctio reverts to the lessor, who is equally entitled, in case of sale

The number of such copyholds is very small, nor h for many years.

Mr. Erskine

My Lord,

I HAVE the hono and Customs affecti Mr. Gould, Secretary Consul at the Piræu

As your Lordship desired me, in your Circular despatch of the 26th August last, to send in these Reports with as little delay as possible, I have thought it better to forward them by messenger at once, without waiting for the Reports from Her Majesty's Consul-General at Corfu and Her Majesty's Consul in Cephalonia, which have not yet reached me, but which I hope, ere long, to be able to forward to your Lordship.

I add likewise an interesting letter on this subject from Mr. Finlay, whose opinions on questions relating to this country are always deserving of attention. In alluding to the amount of the tax levied by Government on agricultural produce, which is known as dime or tithe, Mr. Finlay, I observe, speaks of the tax in question as being one-tenth of the crop, in kind. The fact however is, that the dime was reduced after the Revolution of 1862 to 5 per cent., but subsequently again raised to 8 per cent., and at a later period 1 per cent. was added to it, ostensibly for the construction of roads. The tax, therefore, now stands at 9 per cent. of the estimated value of the crop, and is levied, not, as would appear to be supposed by Mr. Finlay, in kind, but in money, like any other tax.

Although I fully agree with Mr. Finlay as to the inconvenience which arises from compelling the cultivator to wait until it may happen to suit the tax-collector to permit the removal of the crop from the ground, I do not see how the cultivator can run any risk from the competition of the collector in the local grain-market, as the tax is now levied, as I have already said, in money.

I fear that Her Majesty's Government will not find in the accompanying Reports any suggestions that could be usefully adopted in the settlement of land tenure in Ireland, but it is possible that in the Reports from Her Majesty's Consuls in the Ionian Islands there may be some point more worthy of attention, as the relative positions of landlord and tenant have always been a source of discontent in the Island of Corfu, and the question has recently, it is hoped, been settled satisfactorily by legislative enactment.

I have, &c.
(Signed) E. M. ERSKINE.

Inclosure 1 in No. 4.

Mr. Gould to Mr. Erskine.

Sir, *Athens, November* 3, 1869.

IN the accompanying Report on the tenure of land in Greece, which I have drawn up in obedience to the instructions conveyed to you in the Earl of Clarendon's Circular despatch of the 26th of August last, I have not, as you will find, attempted the difficult task of describing the conditions on which land is held in the Ionian Islands. The laws and institutions obtaining in these islands are very complex, and in many important respects dissimilar from those of the rest of the Hellenic Kingdom, and I have, therefore, preferred avoiding altogether a subject which Her Majesty's Consular Agents, from their long-continued residence there, and great local knowledge, will be so much better able to treat.

I hope you will kindly bear in mind that the inclosed Report, which is I feel very imperfect, and may possibly be incorrect in some matters of detail, has been drawn up under many and great disadvantages; such, for instance, as the shortness of my stay [illegible]reece, the fact of my being unacquainted with the Greek language, and the great [illegible] to the impossibility, peculiar to this country of obtaining, except by personal [illegible]se and reliable information on any one given point.

[illegible]imitive system of land tenure existing in Greece are, [illegible]ident to justify me in not having thought it necessary

I have, &c.
) G. F. GOULD.

[illegible]reece.

[illegible]hich is estimated at [illegible] taken in 1861, a [illegible]lation to the extent [illegible]nds in the propor-

tion of 24·143 to 153. Owing principally to the excessive mortality among children, the average duration of life is between 27 and 29 years, and consequently the increase of population proceeds at the comparatively slow rate of 0·90 per cent. per annum, notwithstanding that the number of births per marriage is 1·66 higher than in England. In the rural districts the mortality among the children is even greater than in the towns. It is accounted for by the ignorance and poverty of the rural population and the want of proper medical attendance.

Religions.—The vast majority of the population profess the Orthodox Greek religion, but there are a few Roman Catholics principally in the Islands.

Industrial Pursuits.—Greece has a considerable maritime trade, which has greatly increased of late years. Agriculture is, however, the principal resource of her inhabitants, more than half of whom are employed in the cultivation of the soil. Her manufactures are so few and unimportant as not to call for any special notice in the present report.

Land Occupation.

Barely one-seventh of the whole superficies of the kingdom is actually under cultivation, though, notwithstanding its mountainous regions, it is peculiarly adapted for an agricultural country, as it contains large plains, the soil of which is extremely fertile. During the domination of the Turks but few Christians possessed landed property—all the best lands having been appropriated by the ruling race. After the Greeks had achieved their independence, all the Turkish estates in the Morea, and in some other provinces, were confiscated and became the property of the new State; but in Attica, Eubœa, Phthiolis, and in general in the provinces which the Turks were subsequently compelled by Treaty to evacuate, they were permitted to sell to Christians all their private properties. These were bought up at exceedingly low prices, and it thus happens that in the latter provinces there are large landed proprietors, and that the peasants who, during the Ottoman rule, cultivated the lands belonging to Turkish proprietors, are now, if possible, in a worse position that before, for they have merely exchanged wealthy, and generally speaking, liberal for needy and exacting landlords for whom they are obliged to work on precisely the same terms as formerly.

The lands owned by the State occupy nearly three-fourths of the whole extent of territory suitable for cultivation, and at different times has been proposed to portion them out among the peasants. However, in spite of the many evident advantages to be derived by the country from the adoption of such a measure, no attempt has hitherto been made to put it in practice. A law was passed in 1836 conferring on each family of Hellenes the right to purchase from the State at public auction 120 stremas or 30 acres of land. For this purpose the Government was authorized to grant to the head of each family a credit on the Treasury to the amount of 2,000 drachmas (71*l.* 8*s.* 7*d.*). This sum to be reimbursed in 36 years at the rate of 6 per cent. interest and sinking fund. All sums above this amount were to be repaid in 10 years, and to bear 8 per cent. interest if they exceeded 6,000 drachmas (214*l.* 5*s.* 9*d.*). In a financial point of view the measure proved a complete failure—its principal object having been rather to relieve the necessities of the Public Treasury than to increase the class of small landed proprietors.

The lands put up to auction fetched such high prices owing to local causes, and the underhanded proceedings of the authorities, that the purchasers have since been much unwilling to meet their engagements. On the subject being again brought [illegible] in 1855, a new law was passed remitting all arrears due up to that date. This measure seems to have proved as great a failure as the first, and it is highly problematic whether the State will ever recover the large sums owing to it under this head. The original law, known as the Law of Dotation, has long since fallen into disuse. The Government submitted to the Legislature in 1864 a Bill to leave the peasants in possession of their present holdings on the condition of their reimbursing to the State the price of the land at a moderate valuation. Though five years have elapsed since this Bill was first brought forward, no decision has yet been come to upon it.

Out of a total of upwards of 5,600,000 of acres of productive land but 1,800,000 are said to be under cultivation. This is mainly to be attributed to the smallness of the agricultural population, which does not number above 600,000 or 700,000, divided into 150,000 families, each averaging from four to five individuals. About one-third of those families is possessed of land, and, as far as can be ascertained, the proportion between the large and small proprietors may be assumed to be one of the former class to sixteen of the latter. The scarcity of population, the want of capital, and the superabundance of land, all combine to make it impossible for the large proprietors to find tenants in the English acceptation of the term. They are consequently compelled either to cultivate their

properties for their own account with the assistance of hired labourers, or to enter into a kind of partnership with the peasants, from whom they receive a certain fixed share of the produce, which varies according to circumstances. The latter system, known as the system of having "collegas" (colleagues or co-partners), is almost universally resorted to in the ancient provinces of the kingdom, with the exception of Eubœa, Phthiotis, and Attica, where there are very extensive estates which can be more advantageously cultivated by the owners themselves.

The Government lands are farmed in the collega plan, but the position of the peasants settled on them differs in one very essential point from that of the collegas on private properties, for whereas the latter can under no circumstances establish a legal claim to the portion of land they cultivate, the former acquire absolute proprietary rights to any part of their holdings on which they may have made improvements of a permanent nature, such, for instance, as buildings or plantations, with a strange want of foresight, and scarcely to be expected in so sagacious a people; the peasants are expressly forbidden by law from thus enhancing the value of their farms in a country where fully two-thirds of the soil lie waste, and are consequently valueless, although the State is directly benefited, since it receives a considerable share of whatever increase may be obtained in the produce of the land. However, within the last few years all attempts to enforce this law have been abandoned, owing more to the inability of Government to cause it to be observed, than to any rational change of policy on its part.

Small Proprietors.

It is difficult to state with any thing like accuracy the quantity of land usually held by small proprietors, for it is well known to vary very much in different localities, and there is but scanty and often conflicting information to be obtained on this point, as on most others connected with the tenure of land in this country. At a rough calculation small proprietors hold each on an average from 15 to 25 acres, while considerable numbers of peasants in different provinces possess from 40 to 50 acres, and in some exceptional cases even a larger amount; many of the small proprietors in the islands do not own more than 1 or 2 acres, and upwards of a hundred different landowners proved their claims for compensation in the five or six miles of country crossed by the line of railway from Athens to the Piræus, although part of the land required was national property. The greatest inconvenience and frequent lawsuits arise from the manner in which these properties intersect each other. Moreover, none of the usual precautions are adopted to mark the limits of the different properties, which, in the absence of any reliable land survey, are often very vaguely described in the title-deeds. The necessity of legislative interference to remedy this deplorable state of things is urgently felt, for it tends in a marked degree to depreciate the value of land.

Law of Succession.—In cases of intestacy real property on the death of the owner is equally divided among the children or nearest relatives. When there is a will the testator can only reserve for his disposal a share of the estate equivalent to that which, after an equal division, descends by right to each of his direct heirs. No distinction is made between males and females; but generally speaking, when feasible, a female is indemnified for her share of the land by being paid the money value of it, or by holding a mortgage of proportionate value on the whole of the estate.

Sale and Transfer of Land.—The legal method used for the sale, transfer, exchange or division of property is by a distinct conveyance executed before a public notary on stamped paper, and subsequently registered in a special Government office, in which all mortgages have likewise to be recorded. Every time any of the above transactions take place the deed of conveyance must contain a full and accurate description of the title-deeds under which the property was originally held. The usual cost is 2½ drachmas (1*s.* 5¼*d.*) per thousand (35*l.* 18*s.* 9*d.*) up to 100,000 (3,593*l.* 15*s.*); but no further charge is made whatever may be the amount involved in the transaction.

Mortgages.—No special facilities are afforded by Government for raising loans upon landed property. Nevertheless, the National Bank makes advances on mortgages from 8 to 12 per cent. per annum, according to the value of the security given, and the terms of the special agreement entered into with the mortgagees. The returns derived from land in Greece are so small and so precarious that those solely dependent on them can scarcely avoid being involved in pecuniary difficulties, and their properties are, therefore, often very heavily mortgaged. But whatever may be the object for which money is raised in this way there is good reason to fear it is very rarely, if ever, applied to improvements. The present system of levying tithes, and of tenancies on shares, act as a most effectual bar to any improvements landlords might otherwise be willing to make, for, while they alone

would have to bear the whole outlay, more than half the benefits to be expected from such improvements would under the most favourable circumstances fall to the share of the State and the tenants; were the tenants to invest capital in improving their farms they would find themselves at a still greater disadvantage, since not only would any additional profits have to be divided with the State and the landlords, but the tenants would have no legal claim to be indemnified for the improvements thus effected by them. Without going so far as to take into consideration the prevailing insecurity of life and property in the rural districts, and the want of the ordinary means of communication, the defective system in force with regard to the mode of taxation and the tenure of land amply account for the present backward and impoverished condition of the country.

It has been remarked that the properties cultivated by the peasants themselves are generally less encumbered than the rest.

The only formality required to legalize mortgages consists in causing them to be recorded in a register specially kept for the purpose, in the same Government offices where all other transactions connected with land have to be registered. This book is always left open for public inspection, and contains an accurate account of the exact position of each landowner. The expense attending this very simple proceeding only amounts to 1 drachma ($8\frac{5}{8}d.$) per 1,000 drachmas, but 5 drachmas ($3s.\ 7d.$) is the highest charge made on any single transaction.

Mode of Cultivation.—Anything more primitive than the present mode of cultivation in Greece can hardly be conceived to exist in any other part of the world, and as yet there are but few very partial signs of improvement in this respect. The natural fertility of the land is, however, such that it yields abundant crops, although no care whatever is taken in the cultivation. The advantages of manure seem all but unknown, and the rude ploughs in common use barely do more than just turn over the surface of the soil. As in the very earliest ages, the corn is threshed in the open fields by means of oxen or horses dragging after them a triangular platform weighted with men standing upon it.

In certain favoured localities the crops alternate on the same land, Indian corn or maize being planted after the earlier sorts of wheat or barley have been cut; but this plan cannot long be persevered in with advantage, as it is found by experience completely to exhaust the soil. The general practice is to allow the land to lie fallow every second year, and sometimes even to let it remain in that state two years out of three.

Wheat, maize, barley, and rice are produced in considerable quantities, as also tobacco, ma[illegible]er, sesame-seed, opium, and especially cotton, the cultivation of which has extended of late years; but currants form by far the most important and indeed the staple article of Greek commerce. The production of this fruit has recently increased at so rapid a rate as to cause a very marked decline in the prices, which now leave the pro[illegible]r but comparatively small profits. The returns yielded by currants are very uncertain, no precautions being taken to prevent the rain from causing the fruit to ferment while dry[illegible]g in the sun after it has been picked, it often occurs that the crops is partially dam[illegible]d and sometimes even totally lost.

Stock.—The stock owned by small proprietors generally consists of a few sh[illegible]p [illegible] goats. These are allowed to graze in winter on that portion of their properties which may then be lying uncultivated, or on the waste lands belonging to the State or to the community of which they form part. It is as well to notice here that many vill[illegible]

except at harvest time, when females are occasionally found willing to work on condition of being employed in gangs by themselves.

On an average each labourer is supposed to be able to cultivate 60 stremas, 15 acres. This fact alone proves how very backward the state of agriculture must still be in Greece.

The average daily wages of the agricultural labourers vary from 2 to 2½ drachmas (1*s.* 5¼*d.* to 1*s.* 9½*d.*), in addition to food and a liberal allowance of wine. When permanently employed their monthly wages amount to only from 15 to 25 drachmas (10*s.* 9¼*d.* to 17*s.* 11½*d.*), with wine and food included. In the latter case only do they live with their employers, and it is doubtful whether there are many who find themselves in this position. As has already been mentioned, females are very seldom hired, and then their daily wages average 1½ drachmas (1*s.* 1*d.*)

Not only do these labourers not emigrate but they rarely seek for employment out of their own districts.

Condition of the Small Proprietors.—The small proprietors almost invariably live in the villages adjacent to their properties, and, taking into proper consideration the climate and their extremely frugal and parsimonious habits, they may be said to be in general tolerably well-housed and fed. Their style of living is, however, such as would be totally unsuited to the natives of almost any other portion of Europe. Their cottages usually contain but one room and hardly any articles of furniture, especially beds and tables. Their ordinary diet is composed of wine, bread, onions, olives, and fruit, and they seldom eat meat (mutton or goat's flesh) above once or twice a month. When their crops have failed they have been known to subsist for months together on the scanty herbs they were able to pick up. They are both warmly and comfortably clad for the climate, and generally appear to be in comparatively easy circumstances. Whatever may be the amount of money they possess it does not in any way cause them to alter their mode of living; they either bury it for the sake of security or lay it out in the purchase of additional land. Recent instances have occurred of extensive estates having been purchased by the peasants in the adjacent villages without any apparent difficulty on their part in finding the requisite amounts, which have generally been paid off before the stipulated term. Greeks, as a rule, have a decided repugnance for agricultural pursuits, which are looked upon by them as degrading, and only fit for the utterly uneducated. The natural consequence is that, as education becomes more general the rural population tends to decrease, owing to the ever increasing numbers of those who consider themselves able to make their way among the townspeople.

Tenants.

Tenure.

The quantity of land held by each tenant is about 60 stremas, 15 acres.

The agreement entered into between landlords and tenants under the system in force in Greece, the leading incidents of which have already been described, is of the nature of a deed of partnership, liable to be dissolved at any moment by either of the parties to it. In return for usufruct of the land, which the tenant undertakes to cultivate under certain stipulated conditions, the landlord receives a certain fixed share of the produce.

Sub-tenancies do not exist, but could not in any case be assigned by the tenant unless

tenants to enable them to meet the expenses of cultivation receive one-half or two-fifths of the gross produce. When the proprietors of arable lands furnish the seed and the oxen required for ploughing, one-tenth of the produce is first deducted to meet the taxes (the tithe amounts to 8, and the local imposts to 2 per cent.), and they then receive from the tenants one-half of the remainder, besides the quantity they may have supplied as seed. When the proprietors merely provide the land, they receive, according to its quality, from 10 to 20 and sometimes as much as 25 per cent. of the produce, after the amount due as taxes has bee deducted. The average is, however, 15 per cent., which is the amount paid by tenants on all Government lands. At the time the crops are gathered the amount to be deducted therefrom as rent and taxes has to be levied on the spot by the proprietors or their agents before the tenants can dispose of any part of them. Any infraction of this ancient and universally recognized custom exposes the tenants to a heavy penalty.

In the total absence of competition for land it is not the interest of landlords to change their tenants, and the rent is calculated on such a scale that any attempt to raise it would, in most cases, lead to the loss of the tenants.

The duty of enforcing the respective rights of proprietors and tenants, founded to a greater extent on local usage than on law, rests with the regular Courts; but the administration of justice is extremely imperfect, and the decisions of the Courts are often evaded.

The landlords are by law and custom in the position of privileged creditors, the full amount of their claims on the produce of the land having to be satisfied before any part of it can be disposed of for the benefit of other private creditors.

Evictions.

No notice has to be served on tenants, who are at all times liable to be evicted, as previously stated; and in case of resistance the landlords would be justified in at once calling upon the local executive authorities to assist them. Practically such evictions are extremely rare, owing to causes which have already been fully described.

Improvements.

Under the present system of tenure of land improvements, especially buildings, are seldom executed by either landlord or tenant, as there are but few inducements for them to incur any expense not absolutely required.

The landlord, upon resuming possession, has a legal right to the improvements made upon the farm by the tenant. Therefore the latter, unless secured by some special agreement, can have no claim to be indemnified for any improvements he may have executed. However, when trees or vines have been planted on the farm by the tenant, he has, strictly speaking, on giving up possession, the right to destroy any such plantation, unless he can obtain fair compensation either from the landlord or from the incoming tenant.

Miscellaneous.

The relations between landlord and tenant [illegible] possess exclusive tracts of land, and in some exceptional instances even forests, [illegible] constitute the common property of all the villagers. In the summer months [illegible] are driven up into the mountains for pasture, as almost every vestige of vegetation in the plains then disappears under the scorching rays of the sun. In the early spring [illegible] are sometimes allowed to feed on barley before it comes into ear; but there are no grass lands owing to the want of water.

Agricultural Machinery.—As far as can be ascertained only one attempt on a large scale has yet been made to introduce machinery for agricultural purposes, and that has to all appearances hitherto proved a failure, in consequence of the manifold difficulties, which must necessarily at first beset an undertaking of the kind in a country so backward in most respects as Greece. In one or two provinces some foreign improved ploughs are stated to have been successfully brought into use with the assistance of Government.

Agricultural Labourers.—The small proprietors usually cultivate their own land with help of their families, the females doing most of the lighter kinds of field work. At the time of gathering in their crops, when additional labour is often required, families inhabiting the same village mutually assist each other, and thus obviate in general the necessity of having recourse to hired labour. This class of proprietors very seldom employ hired labourers. On the contrary they not unfrequently work for the large proprietors, whenever they can find leisure to do so. Hired female labour is scarcely ever to be obtained,

hardly be said to exist, and in any case it has no weight whatever. The urgent necessity of abolishing the tithes, of modifying the prevailing system with regard to the tenure of land, of putting an end to the present deplorable insecurity of life and property, of improving the administration of justice, of obtaining an accurate cadastral survey of the country, and of making roads, is universally recognized; yet, strange as it may seem, no serious attempt is ever made by succeeding Governments to introduce any of these useful measures.

Copyhold.

The position of the peasants settled on the Government lands may in some measure be compared to the copyholders in England, since they have practically become irremoveable, and moreover acquire proprietary rights to the land on which they may have erected buildings or made plantations.

(Signed) G. F. GOULD.

Inclosure 3 in No. 4.

Report by Consul Merlin respecting the Laws and Customs affecting the Tenure of Land in Greece.

Population.—According to the last census taken in 1861 to 1862, the entire population of the Kingdom of Greece was as follows, viz.:—

	Inhabitants.
Continental Greece	318,535
Peloponnesus	552,414
Island of Eubœa and the Cyclades, &c.	225,861
Ionian Islands	228,669
Making a total of	1,325,479

Of whom 689,737 were males and 635,742 females.

Religion.—The national religion is that of the Greek Orthodox Church. All other religious creeds are tolerated, but proselytism is forbidden by the First Article of the Constitution.

According to a statistical work published in Athens by Mr. A. Mansola in 1867, the population of Greece Proper is divided into the following religious sects, viz.:—

Members of the Greek Church	1,060,900
Christians of other denominations (principally Roman Catholics)	9,358
Other religions	552
	1,096,810

No official statement of the population of the Ionian Islands, as regards its division into religious sects, has been published; but the great majority, in those Islands, belongs also to the Greek Church.

Industrial Pursuits.—The following is an Official Return of the various industrial employments of the inhabitants of Greece Proper; according to the census of 1861:—

Landed proprietors	16,122
Mechanics	32,801
Agriculturists (small proprietors)	147,507
Shepherds [illegible] ..	38,953

the consent of the landlord.

The tenancy is sometimes created by parole, but in most instances by a written agreement passed before a public notary, who retains the original document in his possession and only furnishes the parties concerned with copies of it. When there is no agreement the law, founded on custom, presumes the tenancy to be from year to year, expiring when the crops have all been gathered in; that is to say, in the month of August, unless exceptional circumstances can be adduced by the landlord to justify a departure from the recognized practice, though in theory the tenant is merely a tenant-at-will.

There is no law where under-tenants are entitled to retain possession of their respective holdings merely on regular payment of the stipulated amount of rent.

There is likewise no law where under-tenants are considered as having a right to sell their interest in their farms without the consent of the landlords.

Rent.

In the case of tenancies the payment is made to the proprietor, by a fixed share of the produce. That share varies considerably. The proprietors of currant vineyards, besides being reimbursed the amount of any advances they may have had to make to the

The population of the Ionian Islands is divided as follows; into—

Agriculturists	51,342
Mechanics	8,365
Commercial pursuits	7,282

Adopting the system of M. Legoyt, and arranging the industrial population of Greece under six general divisions, M. Mansola adduces, that, for every hundred male adults, there are—

Large proprietors	4·27
Mechanics	13·87
Agriculturists, including shepherds	49·37
Persons engaged in commerce	8·43
Liberal professions, including students	18·66
Servants of both sexes	5·40
	100

From which it results that by far the most numerous class in Greece is that employed in agriculture, most of whom cultivate their own property.

Land Occupation.

The superficial extent of the Kingdom of Greece (not including the Ionian Islands) consists, it is calculated, of about 45,000,000 to 47,000,000 of stremmata, or 11,500,000 to 12,000,000 of acres, and is divided, in an agricultural point of view, as follows, namely:—

	Acres.
Cultivated lands	1,920,000
Lands capable of cultivation	3,100,000
Mountains and natural pastures	4,700,000
Woods and forests	1,400,000
Lagoons and marshes	215,000
Towns, villages, roads, rivers, &c.	426,000
Say, together	11,761,000

From which it appears that only about a sixth part of the entire extent of the Hellenic Kingdom is at present cultivated, though half of the remaining portion is either susceptible of tillage, or could be rendered so by skill and labour.

Although the War of Independence terminated in 1829, and Greece has been governed by an European form of Monarchy for nearly forty years, no general cadastre has yet been made of the kingdom, nor is the exact proportion and extent of the national lands known.

It is, however, roughly estimated that about one-third of the cultivated, and one-half of the waste districts, are still the property of the State.

On the expulsion of the Ottomans from the Peloponnesus, the greater portion of the land there became national property—while in Continental Greece and the Island of Eubœa, which was ceded by Treaty, the Turkish tenants are said to be in general the most valuable kind.

Owing to the great difficulty experienced in most parts of the country in finding peasants to cultivate the land, the proprietors, as a class, are practically at the mercy of their tenants, for whose protection, therefore, no Legislative interference has hitherto been found necessary.

The position of the small peasant proprietors differs in point of fact so slightly from that of the tenants ("collegas"), that in almost every respect the two classes are similar. The latter, however, as a rule, are naturally in less easy circumstances, since a share of their profits goes to the landlords.

There is no statistical information as to the annual increase in the population among tenants, as compared to small proprietors,

The desire to possess land is very general; but tenants are not assisted in any way in whatever efforts they may be induced to make to become proprietors of their own holdings, or of other land.

The laws in force tend to favour the dispersion of land, as almost every time it changes hands it has to be subdivided among the descendants of the preceding owners.

The attention of public men is so exclusively engrossed by politics that the material interests of the country are shamefully and systematically neglected. Public opinion can

The arrears due to the Government for national lands sold and for taxation, arising principally from the cultivation of the same, now amount, in round numbers, to the sum of 80,000,000 to 100,000,000 of drachmas (2,857,143*l.* to 3,571,428*l.*).

But nearly the entire nation being interested in postponing a settlement of this debt, it is hardly probable that any Chamber of Deputies will be found willing to pass a law enforcing payment of it, or depriving the present possessors of their land; whether acquired by legal purchase from the State, or appropriated without permission.

The opinion, therefore, generally entertained is, that the Government will eventually be obliged to accept the present condition of affairs, and recognize the proprietorship of the actual possessors of the soil, on the payment of the estimated value of the land as it was forty years ago—which, of course, will be nearly nominal.

In consequence of the large proportion of uncultivated land, and the comparatively small number of inhabitants, the system of land occupation in Greece will not bear comparison with that of the more populous countries of Europe.

Agriculture in Greece Proper is chiefly carried on by small peasant proprietors.

Tenants holding under large proprietors and paying cash rent are very rare.

There is no class of skilled agriculturists or farmers in Greece renting farms, or cultivating other persons' property, corresponding to that class in England. Sub-tenants under intermediate tenants holding from proprietors, are unknown.

The proportion of small peasant proprietors to large may be estimated at about thirty of the former to one of the latter.

(A.)—Small Proprietors.

Landed property is divided into very small holdings, especially in the Islands of the Greek Archipelago, where there are proprietors having only two or three acres, and even less. In the plains, proprietors exist holding 15 to 20 acres. Very few, however, possess more than 260 acres.

In the absence of precise statistical information on the subject, it is difficult to ascertain the average quantity of land held by small peasant proprietors in Continental Greece and the Island of Eubœa. It is usually termed a "zevgaria" (that which can be ploughed by a yoke of oxen). This, however, is a vague definition, and may vary from 10 to 50 acres, according to the nature of the soil, district, &c. It rarely happens, however, that this class of proprietors, who are the most numerous in Greece, hold more than 100 acres, of which only a small portion is cultivated each year, and the remainder allowed to lay fallow.

In the Islands of the Greek Archipelago, the small proprietors are frequently divided into separate plots consisting of a quarter to half an acre, and even less, intersected by those belonging to other parties.

The proprietors generally employ one or two beasts of burthen, besides their oxen, either ponies or donkeys, for the purpose of going from one plot of ground to another, and likewise to carry their ploughs and agricultural implements, and this is particularly the case in the neighbourhood of towns.

Across the division of real and personal estate in

Agricultural and other labourers	12,651
Men servants	7,794
Women servants	2,307
Owners of pack-horses	1,346
Fine arts	5,102
Clergy	9,452
Shopkeepers or small merchants	793
Merchants	510
Sailors, Royal Navy	19,303
Sailors, mercantile marine	3,553
Government employés	5,199
Municipal employés	1,176
Teachers and schoolmasters	394
Lawyers	68
Newspaper editors	398
Doctors	161
Apothecaries	832
Midwives	42,680
Students (male)	9,035
Students (female)	377,659

No legacy-duty is charged by the State on property descending in the direct line, namely,—children and grandchildren. Indirect heirs pay according to their degree of consanguinity; the maximum charge being 4 per cent.

3. Free-trade in land may be said to exist in Greece. The legal method used for the sale, transfer, or exchange of landed property is by notarial contract, signed before two witnesses; and this act must be subsequently registered in the Official Registry of the "Demos" or municipality. The notarial charge is $2\frac{1}{2}$ drachmas per 1,000 drachmas; that for registry is 2 drachmas (1*s.* 6*d.*) for the first sheet, and 1 drachma (9*d.*) for the remainder. One-half of the fee belongs to the public notary and the other to the State. There is no other charge on the sale of landed property in this country.

4. There are no agrarian banks in Greece, though several attempts at establishing them have been made. The National Bank is obliged, by its charter, to appropriate two-thirds of its capital for the purpose of assisting landed proprietors with loans and mortgage, and has obtained considerable privileges in return, as regards judicial procedure in the recovery and enforcement of debts, and the sale of real estate, by which that establishment is saved much litigation. This amount having proved, however, insufficient for the requirements of agriculture, on the renewal of the charter of the National Bank in 1861, the Government authorized a further increase of its capital by 2,000,000 of drachmas (71,429*l.*) on the express condition of its being exclusively appropriated to loans to landed proprietors on personal security, without mortgage.

It was, moreover, stipulated that, whenever an agrarian bank is established, the National Bank shall contribute one-third of the capital, and thus will be released from the above obligations.

Complaints are, however made, that the National Bank has, wrongly, contrived to evade, in a great measure, these engagements, and that only the large and influential proprietors have benefited by them.

The truth is, small proprietors have little security to offer, and are consequently obliged to have recourse to money-lenders and usurers, to whom they pay from 12 to 18 per cent. interest per annum, and sometimes, it is said, even much more. This being the case, but few improvements in landed properties can either be made or expected.

5. About three-fourths of the landed property in Greece is mortgaged for its full saleable value. The rate of interest varies from 8 to 12 per cent., the latter being the legal rate of interest in this country.

6. A written application in duplicate has to be made to the *Official* Registrar of Mortgages in the demos or district, who is appointed by the Government. The cost of registry is 1 drachma (9*d.*) per 1,000 drachmas (36*l.*), and 50 lepta ($4\frac{1}{2}d.$) for every additional 500 drachmas (18*l.*), beyond which sum no extra charge is made. The registry is open to public inspection and a certified extract from it can at any time be procured on the payment of 2 drachmas (1*s.* 6*d.*).

7. The crops raised in Continental Greece and the Island of Eubœa consist of wheat, barley, oats, maize, sesame, beans, cotton, flax, tobacco, madder-roots, &c. Where the land can be irrigated and the soil is particularly good, maize or sesame are sometimes planted after the barley has been cut in the month of May. In parts of Western Greece, if the cultivators can procure manure, they have occasionally a second year of wheat, on ground that has long lain fallow, then barley, then oats, which last is considered nearly as good as fallow. But on light soils, such as Attica, the lands are generally allowed to lie [illegible] allowed to dispose of them: these passed principally into the hands of private individuals. Hence it happens, that by far the greater number of the few large landed proprietors existing in Greece are to be found in Attica, Bœotia, Eubœa, Phthiotis, &c.

A law was published in 1836, respecting the Dotation of Hellenic families, by which each had a right to purchase 120 stremmata (30 acres) of national land by public auction, and a credit of 2,000 drachmas (72*l.*) was allowed each family by the State for this purpose, repayable in 36 years by an annual interest and sinking fund of 6 per cent. In the event of the purchase-money exceeding 2,000 drachmas, such surplus was to be repaid within 10 years.

This Ordinance was found, by experience, not to act satisfactorily. The price of national lands was run up at auction, by competition, far beyond their real value, principally in consequence of the long credit allowed by the Government. The payments were not regularly and punctually made, and arrears accumulated to such an extent that finally, in 1855, the Government was obliged to pass an act cancelling all obligations for over-due interest, &c., and retaining only the original value of the land.

Several propositions have since then been made, and various attempts tried to obtain a satisfactory solution of this very difficult question. But hitherto in vain.

The following is an approximative return of the number of oxen employed for tillage in 1865 (since when they have probably not materially increased), namely, in

	Oxen.		Acres.
Attica and Bœotia	13,147 or 1 oxen for every		84
Eubœa	13,529	,,	60
Phthiotis and Phocis	17,552	,,	48
Acarnania and Ætolia	20,287	,,	60
Achaïa and Elis	20,184	,,	48
Arcadia	21,624	,,	40
Laconia	18,488	,,	37
Messenia	17,123	,,	33
Argolis and Corinth	13,603	,,	68
Cyclades	13,390	,,	49
Total	168,927		

As a general rule, very few cattle or sheep are bred either by small or large landed proprietors. This is done by shepherds or graziers, a district nomad race, who raise oxen and sheep for the consumption of the entire country, the largest number of which are bred in Northern Continental Greece.

These cattle are pastured on the lowlands in the winter, and in the mountain districts in summer. Very little is paid for such pastures as are national property, but on private lands in the neighbourhood of towns special agreements have to be entered into.

No pains are taken in improving the breed, and in consequence, the oxen and sheep are very undersized, more particularly the former; the average weight of a Greek ox being only 60 okes, or 169 lbs.

The following is the official Return of the number of cattle paying tax in 1865, namely:—

Sheep	1,778,729	Horses	69,787
Goats	2,289,123	Mules	29,637
Oxen	5,205	Asses	64,051
Buffaloes	711	Swine	55,776
Cows	51,994	Camels or dromedaries	72

Cattle exempt from taxation are not included in the above statement, viz.: Oxen employed in the cultivation of the soil, sheep and pigs belonging to agriculturists and peasants—foals of horses, asses and camels, and calves up to two years old.

It appears that about one-half of the entire extent of Greece Proper may be considered capable of tillage, and the other as adapted for pasturage.

8. Very little agricultural machinery has been hitherto introduced into Greece, with the exception of the winnowing machines employed in cleaning currants in the Peloponnesus; machinery as a substitute for and aid of manual labour in agriculture may be said to be almost unknown, and it is too probable will long continue to be so, for a variety of causes, namely, want of sufficient capital, practical knowledge of the kind of machinery required, and the difficulty of transports without roads.

An attempt was made by Prince Jean Soutzos to introduce steam-ploughs and other agricultural machines on his farm in the Peloponnesus, but the result did not realize the expectations entertained in their favour. Engineers to work and repair the machinery had to be procured, at a great expense, from abroad. The machines themselves proved [illegible] adapted to the soils [illegible] required to perform. The

2. The law makes no distinction between the divisions of property in Greece on the death of the owner.

Should a landed proprietor die intestate, his estate is divided between his sons and unmarried daughters in equal portions, share and share alike. If the widow was poor and brought her husband no dowry, then she is entitled to an equal share with the children. If she had a dowry, as is generally the case, her claim on her deceased husband's estate takes precedence of all other creditors.

The married daughters have a right to participate in the division of the paternal property, on giving up their dowries; but this is a privilege rarely availed of, the marriage portions given to daughters generally greatly exceeding the legal share of their parents' property. Families are not unfrequently impoverished by the large dowries bestowed on the daughters, which is submitted to by the sons without complaint. It is extremely rare for the sons to marry in Greece till their sisters are provided for; and this feeling pervades all classes.

In the event of a married man making a will, should he have four, or less number of children, he can dispose absolutely of two-thirds of his real and personal property as he wishes; the remaining one-third must be equally divided amongst his children. If the family consist of more than four children, one-half of his estate must be divided amongst them, and the other can be left as he sees fit.

Ionian Islands to the mainland, who assist in getting in the crops, and return again to their homes when the harvest is over, be considered so. These latter are generally paid in produce, usually receiving one-tenth.

10. Few proprietors live on their estates, in detached dwellings, in Greece, excepting in the islands. Those near large towns reside in them, and in the country districts they congregate together in villages for mutual protection.

11. The houses of the smaller peasant proprietors in the rural districts of Continental Greece are mostly built of rough stones loosely cemented with mud or clay, instead of mortar. These kind of dwellings are rarely more than one story high. The floors are of earth beaten to a hard consistency. There are no regular fire-places or chimneys, and when necessary, a fire is lighted on a rude hearth in a corner of the apartment, and the smoke is allowed to escape as it best can, either through the open door and windows, or a hole made by removing a tile from the roof. There is generally a raised wooden platform, or kind of low loft, in the interior of the house for sleeping on, on which are arranged the bedding and a gayly painted wooden chest or two for keeping clothes in. The ovens are detached buildings, and in fine weather the little cooking that is required is done in the open air.

In most of the country districts the windows are merely closed by wooden shutters, and glass is an unknown luxury. Habit and the general fineness of the climate, however, in a great measure compensate for these hardships.

The agricultural population of Greece live extremely frugally, particularly in the villages; their food consists principally of coarse brown bread, called "keramedopita" (tile cakes), made of a mixture of barley and corn-flour, or "bobota" (bread made of maize); in addition to which, cheese, salt-fish, olives, grapes, melons, and other fruits when in season, form almost exclusively their nourishment. They rarely eat meat more than ten or twelve times a year—on feast days; but drink a good deal of common home-made country wine, in which resin is dissolved in order to make it keep better.

Notwithstanding this coarse fare the men are strong, robust, sober, and capable of enduring hard labour without fatigue.

They are well clad for the climate, in strong white cotton cloth in summer (usually of home manufacture), and a kind of thick white woollen felt in winter. In addition to which the men wear large shaggy capotes in cold weather, when going or returning from their labour, which frequently serve them for beds also.

The women from early marriage and exposure to field labour are generally coarse and hard featured, but look better in their national costumes in the villages than when clad in thin, gaudily coloured, cheap Manchester cotton gowns, as is frequently now the case near the larger towns.

12. According to the census of 1861, the agricultural population of Greece (not including the Ionian Islands) is divided as follows, namely:—

	Families.		Families.
Attica and Bœotia	10,525	Laconia	17,426
Eubœa	9,723	Messenia	19,585
Phthiotis and Phocis	14,180	Argolis and Corinth	12,143
Acarnania and Ætolia	15,953	Cyclades	12,102
Achaia and Elis	19,555		
Arcadia	16,288	Total	147,507

Calculating each family to consist of four members, the total agricultural population of Greece is 590,028 souls.

The land is generally divided into three portions, one of which is allowed to lie fallow every alternate year, and are then sown with wheat, time after time, no rotation of crops being observed; this is particularly the case in the Plain of Marathon, where, however, the soil is much better than near Athens.

The mode of cultivation is primitive in the extreme. Oxen are generally used in tilling the land, though instances occur of the use of horses in isolated districts. The plough usually still employed is of the same simple construction as in the days of Hesiod, and is too light for any but the poorest soils (often not weighing more than the yoke), the ploughshare merely scratching the earth. There are not wanting, however, practical agriculturists who defend this system of cultivation, and maintain that, if the soil was turned over to a greater depth the result would be less favourable to the farmer from the quantity of nitre contained in the ground.

In some parts of Western Greece, a method, however, exists of preparing the land for wheat, barley, flax, &c., with a sort of hoe as in Sicily, without ploughing, and the produce is said to be more plentiful than when the ordinary course is pursued.

The cattle of small proprietors are pastured on the fallow lands, road-sides and by-paths near the villages. Few peasant proprietors ever lay in a winter stock for their animals.

(B.)—Tenants and Sub-Tenants under Landlords.

Tenure.

1. In Continental Greece the usual quantity of land held by tenants consists of 15 to 50 acres, according to the district and nature of the produce, and is generally farmed by the year.

2. The method in which most of the larger proprietors cultivate their estates is what is called on the metayer system by colleagers, as is done on the Turkish Tzifliks; the landlord furnishing the land and housing the colleagers, or peasants, who till the soil with their own oxen, and bear all other expenses; the proprietor receiving his rent in kind on the threshing-floor. On poor lands this is 15 per cent. of the net produce, after deducting the seed and the payment of all expenses, taxes, &c.

Should one-third of the seed be provided by the landlord in that case he receives one-third of the produce. The conditions, however, vary very considerably according to the quality of the land and nature of crops, &c.

The State permits the cultivation of national lands on the principle of receiving 15 per cent. of the gross produce, in addition to dimes and other taxes (amounting now to about 9 per cent.), all which must, at present, be paid in cash, at the market value of the grain, which latter is determined by assessors.

Sub-tenancies are extremely rare. Should no stipulation to the contrary be inserted in a written contract, the tenant has a legal right to transfer his lease to third parties, and the landlord is obliged to consent to such assignment.

3. By written agreement before public notary, and rarely by parol only, which, in the event of dispute, would have to be proved by witnesses. When there is no agreement the law appoints estimators, and the duration of the lease would be decided according to the nature of the engagement, crop, &c.

4. Written agreements are drawn up before the notary, who retains the original document, giving copies of the same to the parties interested.

5. None whatever—a contract is, however, considered to be renewed for its original term, if the tenant does not leave, nor the proprietor give him notice to quit on the expiration of the lease.

6. If no clause exists in the agreement to the contrary, a tenant may transfer his rights to a third party, by notarial contract.

Rent.

This is rarely paid in money (excepting by cultivators of the national lands) but generally by a share of the produce.

2. The rent is regulated by private agreement between the parties. In the event of disagreement, recourse must be had to the tribunals, which appoint estimators. When the rent is paid by a share of the produce, it is done so yearly, after the harvest has been gathered. What is implied by "a hanging gale" is quite unknown in this country.

3. The landlord has an unlimited power of raising the rent and of eviction in case of ill-adapted to the soil and nature of the work they [illegible] transport of them was difficult and costly, for want of proper roads, and their use has been partly abandoned.

Even threshing-machines are unknown in Attica, and the corn in the neighbourhood of Athens is still trodden out by horses as it was in the most primitive times.

Hired agricultural labourers are much employed in the vicinity of the large towns. Their wages vary according to the season of the year and the district. Male labourers are usually paid from 2*s*. to 3*s*. per diem, besides a quart of wine of the value of about 3*d*. Female labour is also largely made use of in agriculture. The women are generally paid about half what is given to the men, but without wine. In the rural districts they hoe the vineyards, aid their husbands in gathering in the crops of all kinds, and do nearly the same description of field labour as the men. Near the towns they assist in the cultivation of the vine, gathering the vintage, collecting olives, and the lighter kind of field work.

Labourers living with proprietors on estates are remunerated by special agreements. They are generally the epistates or overseers, and receive about the same wages as other day-labourers, with the exception of being boarded and lodged.

9. The emigration of agricultural labourers is merely from district to district, according to the demand for them, but not to foreign parts, unless the passage of labourers from the

Improvements.

1. They are executed (especially building) almost invariably by the landlords.

2. Under written agreement drawn up by public notary, in most cases.

3. If the improvements in an estate are merely what may be termed natural ones, that is, arising from the ordinary course of cultivation, the landlord would be entitled to them.

But not, if they were of an extraordinary nature; for instance, if arable lands had been converted into vineyards and fruit trees, planted, where there were none before, the tenant could demand an indemnity, and the tribunals would recognize his claims. If the improvements were, however, merely ornamental and made solely for the tenant's own gratification, he would not be entitled for compensation.

A tenant can, however, remove the materials of buildings erected by him, on giving up the lease, and the proprietor refusing to indemnity him for them.

4. In case the parties cannot agree between themselves, the tribunal appoints estimators, who ascertain the real value of such improvements; and on the tenant obtaining a sentence in his favour, it is enforced by the law officers.

5. As before mentioned, no Agrarian Banks exist in Greece (see answer to query (A) Small Proprietors, No. 4).

Miscellaneous.

1. The relations between landlord and tenant are generally friendly.

2. The mode of cultivation by the tenants (colleagers) differs but little from that of the small proprietors. Their standard of living, solvency, independence, and general circumstances are nearly the same.

3. In the absence of statistical returns, the annual rate of increase in the population among tenants, as compared with that of small proprietors, may be assumed to be identical.

4. No emigration takes place.

5. The system of cultivation by colleagers has this great disadvantage, that neither the proprietor nor tenant feel much interested in improvements.

6. The Government leaves the proprietors perfectly at liberty to make any arrangement they think proper with their tenants.

7. *There is no such limitation of proprietary rights.*

8. None.

9. The system of allowing peasants to cultivate national lands, on the principle of the Government receiving 15 per cent. of the produce, tends to increase the number of landowners. It is said that a law regulating the disposal of national lands is under consideration, but there is little prospect of any real change being effected at present.

10. There is no assistance given tenants by law or public credit to become proprietors, but there is no doubt that the desire to do so is general, and, owing to the large quantity of waste land, there is but little difficulty in effecting this.

11. The laws at present in force regarding national lands, and the division of landed property tend to the dispersion of it.

ing men, women, and children) is, therefore, only about one for every 20 acres.

In the absence of any statistical Table, separating the increase of the rural population from that of the urban, it may be surmised that there is no great difference between them; the excess of births in the rural districts being quite counterbalanced by a corresponding increase of mortality, from the less care the parents are able to bestow on their offspring.

It is calculated that, at the present rate of increase, Greece requires seventy-seven years to double her population, and, in this respect, she ranks immediately after Spain, but before Italy, the Netherlands, Bavaria and France.

13. The principal complaints of the landed proprietors are, that of being too heavily taxed and the dimes being levied in an oppressive manner, in return for the payment of which they say they derive little or no benefit from the Government, either by the construction of roads to facilitate the transport of produce, or by proper measures being taken for the maintenance of public security and the suppression of brigandage.

To show how greatly the want of roads retards the progress of agriculture in Greece, it may be mentioned that the present cost of the transport of an oke of corn from Livadia, a distance of 60 miles, is 12 lepta, equal to 15*s*. per imperial quarter, and the expense is less to bring cereals from the Black Sea, than from the plains of Marathon, which is only 25 miles from Athens by land.

Inclosure 4 in No. 4.

Report by Consul Ongley respecting the Tenure of Land in Greece.

A STATISTICAL Report on Greece, published in 1867, gives its area and population in 1861 as follows:—

	Acres.	Population.
The Morea	5,567,741	530,590
Continental Greece	5,179,870	287,333
The Islands and Eubœa	976,000	249,093
	11,723,611	1,067,016

Of the inhabitants there were:—

Of the Greek Church	1,086,900
Roman Catholics	9,358
Other religions	522

Of these:—

147,507 families were of the agricultural labouring class.
16,122 ditto landholders.
38,953 ditto shepherds.
32,801 ditto artisans and workmen.
19,592 ditto labourers.

Since then the increase in population has been rather less than one per cent. per annum.

The following division of the land in 1861 differs slightly in quantity from that mentioned above:—

	Acres.
Cultivated lands	1,918,941
Waste lands, capable of cultivation	3,031,741
Mountains and natural pasture lands	4,799,796
Woods and forests	1,398,621
Marshes and lakes	215,083
Cities, towns, roads, and rivers	426,580
	11,790,762

Since then a further quantity of land has been brought under cultivation. The writer has no means of obtaining an exact account of it.

The 38,593 shepherds and their families mentioned above are employed on the natural pasture and waste lands tending the flocks, therefore the agricultural class (147,505 families) would remain to cultivate 1,918,941 acres of cultivated land, and as the women work almost as much as the men, there would be, taking three able-bodied labourers, male or female, to each family, 442,521 labourers for 1,918,941 acres, or one labourer to $4\frac{1}{3}$ of an acre.

The proportion of landholders to the agricultural labouring class is 16 to 147, according to the above statement, but as the small proprietor who works his own land was, in taking the census, called a γεω[illegible]or), and not a κτηματιας (landowner), it follows that no approximate calculat[illegible] made as to the proportion of the agricultural labourers to the landed proprietors.

The woods and forests of Greece belong, as a general rule, to the State, with the exception only of those few which belonged to private individuals before the Revolution, in virtue of written documents given by the Turkish authorities.

These woods and forests, both private and public property, are under the superintendence of two Inspectors, having under their orders 195 employés. The whole expense to the Government is 109,912 drachmas (3,925*l.*) per annum, whilst the revenue derived therefrom in 1866 amounted to 375,000 drachmas (13,393*l.*)

Industries.—The principal are the following:—

Silk-winding establishments, of which there are six. The one at Athens is the largest, and has 236 basins and employs 300 hands, of which 260 are girls.

At Chimi, Calamata, and Hydra, silk stuffs are manufactured, but for want of capital not in large quantities.

Cotton Spinning-Mills.—Of these there are six, and the profits of late have been so great that it is intended to establish others; the numbers of the twist are from four to fourteen.

Woollen Manufactures are carried on at home by women.

Tanneries.—There are nine, of which five are Syra, two of them employ 200 men each, the greatest part of the leather exported is sent to Turkey.

Dyers.—Although Greece has plenty of dyeing materials, yet for want of textile fabrics, this branch of industry is very confined.

Skull Caps and Calemkiars (handkerchiefs for the head-dress of women).—Of these there is a considerable manufacture, and the former are superior even to those of Tunis, as well for the goodness of the colour as for the quality.

Soap-boiling Manufactories.—Some have been established at the Piræus, Syra, and Patras, and although they are not large, they have greatly diminished the quantity of soap annually imported.

Pottery and Brick-making.—This has increased of late, and for some years pottery has been exported to Turkey.

Flour Mills.—Within the last few years machinery has been imported into Greece, and mills have been erected at Athens, the Piræus, and Syra.

The other industries are so trifling as to be hardly worth mentioning.

Land Occupation.

When Greece obtained its Independence in 1829, the lands of the Turks became, with few exceptions, the property of the Greek Government; it also took the lands of those monasteries which were in ruins, or had only six monks remaining, so that it obtained possession of about three-forths of the whole of the country: part of these lands were given away in small lots of the value of about 70*l.* sterling to some of those who had fought during the Revolution. The law directed that lands should be given to all the heads of families, but it appears not to have been faithfully carried out, part were sold, payable by instalments extending over ten years, part are still cultivated by the peasants who pay from 12 to 15 per cent. of the produce to the Government, exclusive of the regular tithes, and consider the land they occupy as their own property, and pa t still belongs to the Government.

The land is held therefore principally by the Government and small proprietors probably more than one-half of the agricultural population are small proprietors.

Tenants under proprietors are not numerous, and sub-tenants can hardly be considered as existing.

(A.)—Small Proprietors.

1. *Of currant-lands they hold in general* from 2½ to 15 acres, and of arable land from 12 to 75 acres, very few persons have as much as 250 acres. In some mountainous districts, and in the islands of the Archipelago, there are landowners having as little as half an acre. The land is often intersected by other properties.

2. On the death of the owner the land is divided equally between the sons and unmarried daughters, and if a married daughter give back her dowry she then shares with the rest, and if the wife have no dowry, and is poor, she takes a share equal to that of one of the children, but in no case exceeding one-third of the real and personal estate.

3. The sale, transfer, exchange, or division of property must be made by an act drawn up by a notary, which is then registered at the Registry of Mortgages. The notary's charge is 2½ drachmas per 1,000, and that for registry is 2 drachmas (1*s.* 5½*d.*) for the first sheet, and 1 drachma (8⅝*d.*) for each subsequent sheet. In the case of the division of property amongst relations the conditions may be drawn up on stamped paper of the value of 10 drachmas (7*s.* 3*d.*) instead of paying 2½ drachmas per 1,000. Of the notary's fees one-half goes to himself and one-half to the Government. There are no other charges whatsoever on the sale or transfer of property.

4. The Greek National Bank, which has branches in many of the principal towns, is obliged, by its Charter, to employ 2,000,000 drachmas (71,428*l.*) of its capital in granting loans to the agricultural class on landed property, or on bills having three signatures, the said obligation to cease when an agricultural bank is established. The Ionian Bank has a branch at Patras, and also grants occasionally loans on property at 8 to 10 per cent. per annum, but the former establishment has the privilege of imprisoning a debtor, or of sequestrating and selling his property without the legal formalities which the latter is obliged to observe; so that the Greek Bank could sell the property of a debtor within a few weeks, whilst any other creditor might legally be delayed many months by a litigious debtor. These loans are raised generally either to pay part of the purchase-money of the lands or to improve and cultivate it.

5. The property, if owned by persons in the towns, is frequently heavily mortgaged, but that owned by peasants is rarely so: the usual rate of interest is from 7 to 10 per

cent. from the banks above-mentioned, but private individuals obtain more; the legal rate of interest is 12 per cent. per annum.

6. A written application in duplicate is made to the Registry Office. One copy is afterwards returned to the applicant. The charge for registry is 1 drachma per 1,000 drachmas, and one ½ drachma for every other 500 drachmas till it reaches 5,000 drachmas, above which sum no extra price is charged. Of the notarial acts and registry above-mentioned the cost is paid by the party most interested: for example, if it be a loan, the borrower pays all, if it be a sale or a lease each party pays half.

7. The crops consist of cereals, cotton, tobacco, onions, sesame, potatoes, linseed, beans, olives, currants, grapes, almonds, palonea, &c. In general only one article is sown in a year, and as there is more land than the hands can cultivate, the field is left fallow the next year, so that no system of rotation of crops is followed. In Livadia, Argos, and Tripolitza the European system is in some degree followed, but in other parts of Greece the system of agriculture is most ancient and rude.

The plough is of the oldest description, and merely scratches the surface of the earth; little manure is employed.

Stock is raised on pasture-lands which are entirely separated from the arable land, and belong mostly to the nation, but sometimes to the municipality, the owner of the stock paying a certain annual sum for the right of pasture.

In the winter the stock remains in the lowlands, and in summer moves up into the mountains, when moving they are allowed to graze on the way without charge, provided they do not stop more than twenty-four hours in one place; no attempt is made to improve the breed.

8. Winnowing machines for currants are in general use, but other machinery is made use of only on one or two farms.

Many hired labourers are employed, and they move about from one district to another to get in the harvest to cultivate the vine, &c.

These labourers are very frequently small proprietors themselves, and go out to work when they have none to do on their own property; the crops on the highlands being gathered later than those on the lowlands, facilitates this.

Many come from the Ionian Islands. and return to their homes when work is scarce. Women and children are largely employed; they sow, they hoe, but do not reap. In the vineyards they carry away the cutting of the vine, take manure to the plants, collect the stones in the vineyards when necessary, break off the tops of the shoots and the leaves to give the fruit more sun, collect it, and in some few places they also dig the vineyards.

Wages are, for males, 1 drachma 60 leptas (1*s.* ½*d.*) to 3 drachmas (2*s.* 1½*d.*) per day, and one quart of wine.

For females 80 leptas (7*d.*) to 2 drachmas (1*s.* 5*d.*) without wine.

The following was the average rate of wages from 1849 to 1858.

	Per Day.		Per Day.
	Drachmas.*		Drachmas.
1849	1·75	1854	2·20
1850	1·76	1855	2·64
1851	1·87	1856	2·90
1852	1·99	1857	3·04
1853	2·05	1858	3·04

* One drachma equal to 8⅝*d.*

During the gathering of cotton, wages have been as high as 5 drachmas (3*s.* 6½*d.*) per day, in places where this plant is grown. In some districts, a few labourers live with those who employ them. At the harvest, the employer feeds the labourers, and then pays about one-fourth less than the above sums as wages.

9. None of them emigrate.

10. The small proprietors live in the towns or villages near their property.

11. They live in the islands in small houses built of stone; in other districts, some of stone, and some of mud bricks dried in the sun, having only one room with a floor of earth; sometimes those better off have also a room above floored with planks; they have their oven, stable, and outhouse for food for horses, &c.

They have bread made of Indian corn or barley, and sometimes of wheat; also cheese, milk, olives, oil, onions, garlic, cabbage, a sort of macaroni, salt-fish, but rarely meat. They drink ordinary wine, costing about 3*d.* to 5*d.* per quart.

The dress of the men consists of a cotton shirt, home-made woollen trousers, jacket, and woollen socks, gaiters, shoes, and sometimes sandals, with a straw hat or red cap on the head.

The fustanelle or kilt is also worn, but is set aside when at work. The ordinary dress of the women consists of cotton under-clothes, a cotton print gown, a long woollen coat, and a cotton handkerchief on the head. On holy-days they dress better. The are very frugal; many of them are in tolerably easy circumstances, according to their own ideas of comfort.

12. There is no means of ascertaining the average population of small proprietors per acre; they are constantly increasing owing to the division of property amongst the children on the death of their parents.

13. There does not appear to be any public opinion on the subject.

The Greeks, as a rule, do not take any interest in agricultural affairs.

Complaints are frequently made about the acts of the Greek Bank. It is considered that they do not give sufficient facilities to those who ask for loans and do not show forbearance to their debtors.

(B.)—Tenants and Sub-Tenants under Landlords.

1. Tenants hold generally from 12 to 75 acres.

2. Tenants under landlords are not numerous; the land is let generally for only one or two years. A tenant cannot sublet without the express permission of the landlord. In a few places landholders have given lands in perpetuity, receiving a fixed amount of produce in kind as yearly rent. This has been done by written contract, and in this case the tenant can sub-let or sell his interest in the holding, subject to the conditions of his contract.

3. The tenancy may be created by a private written agreement on stamped paper; but if one of the parties cannot write it must then be drawn up before a notary, otherwise the Courts will not consider the contract as a legal document, but simply as corroboratory evidence. In case of no written agreement and no witness the Court would administer an oath to one of the parties, in case of dispute as to the conditions of the lease.

No man would cultivate the property of another without an agreement of some sort; if he did so, the Court would probably order him to be paid as a simple daily labourer.

The notarial charge for drawing up a lease is $2\frac{1}{2}$ drachmas per 1,000 drachmas for each year of the lease; so that if the rent were 100*l.* per annum, and the term of the lease ten years, the charge would be 2*l.* 10*s.*, of which one-half would be paid to the Government and one-half be kept by the notary. If the lease were for the whole life, the charge would be 2 per cent.

4. A written agreement remains with the notary, the *parties taking only a certified copy; but if the parties wish to register it,* they can do so at the Registry of Mortgages.

5. Those persons who have obtained lands in perpetuity, subject to the payment of an annual rent, as well as those who hold Government land, for which they pay annually a certain amount of produce, consider they have a right to remain in occupation of their holding so long as they punctually pay the stipulated annual payment.

6. In the case of those holding lands in perpetuity, subject to an annual rent, the holders consider themselves as having the right to sell their interest in the land, with or without the consent of the landlord, upon condition that the purchaser is to pay to the landlord the same annual payment as had hitherto been paid by the seller.

Those who hold national lands consider that they have the same right; but the Government seems to be of a different opinion, for a project was brought forward a short time ago to compel the occupants of these lands to pay one-half the present value of what they had cleared and planted with vines, olive-trees, &c.; nothing was said about arable land. It is evident, therefore, that the Government considered itself entitled to act with regard to these lands in any way it chose.

Rent.

1. In case of tenancies the conditions vary with the province and with the quality of the land, which is divided into plain and upland; the rent is calculated either on the net or the gross produce, or is a fixed sum in money or produce; but in each of these cases the whole is never less than 10 per cent., nor more than 50 per cent. of the gross produce.

The seed is generally provided by the farmer, the Government dues are deducted previous to the division of the produce, or each pays one-half the dues, the gross produce being divided equally between the landholder and the farmer. In Attica the rent is usually paid in money: but if in kind then it is one-half the produce after deducting the Government dues. In Phthiotis, Phocis, and Eubœa, a quantity of produce equal to the seed is given as rent, the landholder giving nothing but the land.

In Acarnania and Ætolia one-half of the net produce or one-fifth of the gross, and sometimes a fixed amount.

In Argolis, a rent in money at 20 to 40 drachmas (14*s.* 3*d.* to 28*s.* 6*d.*) per acre is preferred.

In the Cyclades, half of the produce, after deduction of the Government tythe, which is now 8 per cent.

In Laconia, one-third of the gross produce, and in Messina, from 10 to 30 per cent. of the net produce.

2. The rent is regulated by competition, but of course the custom of the district would be the basis of the contract. In the case of Government lands cultivated by peasants, it is regulated by law, and is 15 per cent. of the gross produce in the case of tillage-lands; double tythe in the case of currant-lands, payable in kind.

The rent, if in money, is paid half-yearly; if in kind, when the crop is gathered.

3. The landlord has an unlimited power of raising the rent and of eviction in case of non-payment.

4. The landlord can sequestrate the produce if the payment be in kind, but if it be a money payment he is then only a simple creditor, and has no privilege over other creditors.

Evictions.

1. The landlord who wishes to evict a tenant applies to the Court, and if the tenant cannot bring forward some plausible excuse, it sends a bailiff and evicts him, if there be no written contract; but if there be a written agreement a litigious tenant would always find some legal pretext for remaining in possession months, and perhaps almost a year, for the action of the Courts of Law in Greece is very, very slow, but, on the other hand, legal charges are very moderate.

2. Evictions are not frequent, tenants are not numerous, and therefore they may be considered as being masters of the situation.

In the case of peasants occupying national lands, they would not be evicted, but the Government would attack them as simple debtors to the State.

Improvements.

1. They are executed by the landlord.

2. If they were executed by the tenant they would be provided for by written contract.

3. The landlord would have a legal right to any improvement unless otherwise provided for by written agreement; but in the case of any building erected by the tenant on the land, the latter would have the right to remove it and sell the materials.

4. This question is already partly answered above; in case of any dispute between landlord and tenant the Court would adjudicate thereon.

5. No tenant would attempt it—in any case the property could offer no security to the lender.

Miscellaneous.

1. The relations between landlord and tenant are friendly, no legislative interference appears to be required by the tenant for his better protection.

2. The mode of cultivation is the same as that by the small proprietors; as to solvency and independence, they are not in general well off in a pecuniary point of view, and therefore much cannot be said as to their solvency. Universal suffrage gives them a certain independence, but they will willingly give their vote for a pecuniary consideration—their position must be considered as rather inferior to that of the small proprietor.

3. It is difficult to state the annual increase in the tenant population as compared with that of small proprietors. The latter increase, but the former, except, perhaps, in the immediate neighbourhood of Patras, cannot be considered as augmenting.

4. Neither tenants nor their children emigrate.

5. As already said, the Greeks pay little attention to these subjects.

6. The creation of freeholds or tenancies by proprietors, or the granting of leases has not been enforced by legislature.

7. The answer to this is included in No. 6.

8. This is also answered by the preceding.

9. No step has been taken by Government beyond its being ready to sell land when a purchaser presents himself.

10. Tenants do desire to become land proprietors, and when they can get together a little money they do purchase. Capitalists have no inducement to purchase lands, and

those who have large properties have every inducement to sell them. When a man cannot go to his estate except at the risk of being carried off by brigands, he of course prefers selling when he can find a purchaser.

11. The law by which property is divided equally amongst the children of course tends to favour the dispersion of land.

Copyhold.

The tenure by which many occupy national lands without having purchased them, or having received them as a free gift from the nation, has already been explained. These bear some resemblance to the copyholds of England, and the longer the Greek Government is in coming to a final decision respecting them the stronger will be the resemblance.

Patras, October 18, 1869.

Inclosure 5 in No. 4.

Extract from a Work on Agriculture in Greece, by M. Apostolopulo.

IN Greece whatever is not laborious and is not considered mean or ignoble, but is lucrative, we all pursue. In Greece agriculture, carried on by the most numerous and lowest class of men, is considered to be one of the meanest occupations, and, therefore, it is abandoned not only by large proprietors and rich Hellenes, but it is hated also by the very sons of the peasants, who have sent them to study. The peasant's son, who has had the advantage of improving himself by study, instead of continuing to do so also as regards agriculture so as to be able to improve his own property, has despised it and has become an educated man and, we see almost all learned men, but no educated agriculturist.

In Greece the Hellene wishes always to imitate his betters, and those [illegible] who gain most; for this reason, we see crowds of learned men who gain [illegible] barely the actual necessaries of life; crowds of employés constantly being dismissed and loitering about; crowds of merchants, small tradesmen, money-lenders, and usurers, and not a single educated and finished agriculturist capable of improving Greek agriculture. In Greece all who come out of the high and low schools, all employ themselves with politics and loiter about to learn the news; not one condescends to hold the plough or to improve scientifically his property, because he considers this is the work of the ignoble peasant or labourer. We all know that the agricultural population in Greece is more numerous and worse off than all the other classes. The Greek peasant has nothing else for his work by which he is to maintain a whole family, than his oxen and one, or at the most, two beasts of burden (we mean the greater part) to carry his agricultural implements and gather in his crops. Let us see now to how many accidents and difficulties he is exposed, and whether in the end he can overcome them without selling even his property; his own lands, from which he and his children expect the first necessary of life, which we call bread.

The first and not unfrequent misfortune to the peasant is the death of one or many of his animals, and immediately, from inevitable necessity, he requires money to replace them.

On account of the non-existence of agricultural banks he goes to the money-lender, who is an inflexible usurer, from whom he gets money at 20 to 50 per cent. on a mortgage of his property, which, after a short time, is put up to auction. This is ruination for him—this is his destruction. This is the reason which forces him to hope nothing from agriculture, to hate it and to neglect it.

Inclosure 6 in No. 4.

Mr. Finlay to Mr. Erskine.

My dear Mr. Erskine, *Athens, October* 30, 1869.

I HAVE read the circular and questions concerning the laws and customs that regulate the tenure of land with much interest, from their giving me a view of queries that civilized society finds it necessary to ask. I do not think that I could answer any of the questions very satisfactorily, but yet I wish to say something about the state of agriculture in Greece. You will obtain direct and authoritative replies from Greek lawyers to all the legal questions, for the laws of Greece on the subject are simple. The legal rights relating

to land are founded on the Roman law which regulates rights of possession and property. The customs which modify the rights of possession and cultivation in accordance with the exigencies of the times, as communities are growing or decaying, are few, and exist chiefly on national lands and in some of the islands of the Archipelago.

I think I shall be best able to supply you with information by stating the result of my own observations on the system of cultivating the land which makes property in land so little desired in Greece by any but peasants. The mode of cultivation pursued by small proprietors, who form the majority of the agricultural population, by the cultivators of national land, who are a considerable body, and by small farmers who till the few large private estates, is precisely the same. The cultivation of cereals occupies more than half the productive industry of the country, and in no other region in Europe is so much labour, capital (though only in rude ploughs and oxen), and land employed in producing so small an amount of wealth. The general size of the small properties and the holdings of the cultivators of national land and private estates is a "zevgari" (from ζεῦγος, a yoke or team), an extent analogous to what was formerly called in Scotland a ploughgate, and which is the land that can be cultivated by the head of a family, who ought to have two pair of oxen to work it properly. It is the almost universal rule that each small proprietor possesses a zevgari, and that each cultivator of national land occupies no more. The mode of cultivating a zevgari is this. The land is ploughed and sown as seems good to the cultivator. But when the crop is ripening, his power over his produce becomes subordinate to that of the agents of Government, who, in virtue of the right to a tenth of the crop, exercise an absolute control over all the agricultural operations of the cultivator. It is said, and if it be true, it proves the existence of a considerable amount of dishonesty and skill in roguery in the agricultural population, that the extraordinary powers conferred on the Government and its agents are necessary in order to prevent the diminution of the land revenue by the frauds of proprietors and cultivators. As it is, proprietors and cultivators must obtain permission from the representative of the Government tenth before they can put a sickle to their crops, and they must then carry their grain to the traditional thresh[illegible]-floors of the village or of the zevgari where custom requires in the interest of Government that the tenth should be measured out. Another permission is required to commence treading out the grain, for in Greece this rude system is still practised, and the proprietor of nine-tenths of the crop cannot carry his property from the threshing-floor to his barn until the farmer of the tenths or the Government agent finds it convenient to have his share measured out.

These arrangements give the command of the grain-market at the season when the price is generally highest to the farmer or agent of the Government tenth. This is the great evil that depresses agriculture in Greece and renders everything relating to the property and cultivation of land dissimilar from what prevails in Great Britain, Ireland, and the British Colonies. As a general rule the small proprietor and cultivator in Greece cannot secure to himself increased profit by additional labour and skill. It is of no avail to raise an early crop of wheat, for the Government tenth will be brought into the market before his produce. The tax-collector has the power to be always first. Nor can the proprietor be sure of deriving more than the price of the average quality of the produce of his district, even if by increased labour and expense he raise produce of superior quality, for the collector of the Government share can always secure to the merchant or the miller the largest part of the supply required; and what may be purchased to complete a cargo or to fill a magazine will be mixed with other produce, and will only obtain a medium price. Experience shows that it is only in exceptional circumstances caused by vicinity to a considerable centre of consumption, or resulting from accidental facilities of transport that the merchant or the miller finds it possible to purchase small parcels of produce of superior quality from the producer. It is not, therefore, surprising that agriculture as far as relates to the cultivation of cereals, is in a stationary condition, that no wealthy Greek merchant purchases land, and that the small proprietors and cultivators when they want money are generally compelled to raise it for short terms and to pay from 2 to 3 per cent. a month. The present obstructive routine offers an insurmountable barrier to the investment of capital in the improvement of agriculture, and even prevents the small proprietor from acquiring habits of industry by rendering additional labour rarely profitable.

There is hardly any difference in the mode of living, cultivation, character, social condition, and system between the Greek and Albanian population of the Hellenic Kingdom engaged in agriculture, nor between the villages composed of small proprietors and those composed of cultivators of national land or private estates. It is natural that the number of small proprietors in comparatively easy circumstances is greater than the number of cultivators of land not their own, for the first pay only one-tenth of their produce and the

second under the most favourable circumstances two-tenths. The cultivators of national lands and private estates of course secure to themselves satisfactory returns for their labour by only cultivating land of superior quality, and leaving in pasture and long fallow, land which would be cultivated with profit by proprietor labour. In the present state of landed property and agriculture in Greece, which is certainly not a state of things that is desirable to perpetuate, there can be no doubt that an increase of the number of small proprietors each possessing a zevgari would augment the agricultural produce of the country. But a great addition to the number of small proprietors can only be made by giving them national lands, since they have neither capital nor credit to purchase them. And there may be a question whether there are not other methods of disposing of the national lands more likely to attract capital and labour to the soil. With the present rude system of cultivation, even if the number of small proprietors were greatly increased there would be no diminution of the obstacles that check the development of the agricultural resources and general welfare of the country.

The result of my experience as a landed proprietor, and for some years a farmer of my own land in Attica, is, that no landlord would drive from his property any cultivator who possessed even a single pair of oxen, and who desired to stay and work the land. There is always a difficulty in finding cultivators on private estates.

From what I have said it appears to me that the difference between the state of property and agriculture in Greece and in Ireland is so great that I doubt whether any practical application can be drawn from the comparison or contrast of things so dissimilar, unless it be that both stand greatly in need of improvement.

Excuse me for writing so very long a letter merely to say that I can give no satisfactory answer to the questions you were so kind as to allow me to read.

Yours, &c.
(Signed) GEORGE FINLAY.

No. 5.

Mr. Erskine to the Earl of Clarendon.—(Received November 27.)

My Lord, *Athens, November 17, 1869.*

I HAVE the honour to transmit to your Lordship herewith the Report on Land Tenure *in the Island of Cephalonia, which* has been addressed to me by Mr. Consul Sebright.

The whole of the Reports on this subject from Greece have now been forwarded to your Lordship.

I am, &c.
(Signed) E. M. ERSKINE.

Inclosure in No. 5.

Report by Consul Sir C. Sebright on the Tenure of Land in the Island of Cephalonia.

Name of Country.—Island of Cephalonia.
Population.—78,000.
Religion.—Orthodox Greek Church.
Industrial Pursuits.—Agriculture and Commerce.

LAND OCCUPATION.

1. By large proprietors, originally feudal, with investitures dating from a period anterior to the Venetian Dominion, or afterwards conferred by the Venetian Senate.
2. Middle-class proprietors, offshoots from the preceding, holding their estates under the law of entail.
3. Small proprietors originally created by the Venetian Senate.
4. Tenants holding lands in emphyteusis in perpetuity, or for limited periods.
5. Tenants holding by colonical tenure in perpetuity, or for a limited period.
6. Free tenants holding on leases of from two to six years, or only from year to year.

The last class is the least numerous. The other classes, as to their relative numbers, may be considered as standing in the inverse ratio of the order as above set down.

(A.)—SMALL PROPRIETORS.

1. From 5 to 25 acres seldom in a continuous body, but cut up into patches and intersected by other properties.

2. On the death of a proprietor his estate is divisible in equal portions among the males of the family, burdened, however, as the case may be, with dowries to daughters.

3. Property can only be transferred by deed drawn up by a notary, to be afterwards copied into a Register kept for the purpose in the Office of Hypothecs. The Notarial Act must be drawn up in the presence of witnesses, who are bound to affix their signatures, and on stamped paper of the value of 1½ drachmas per 1,000 of the estimated value of the property transferred.

4. The raising of loans on property is facilitated by the privilege accorded by law to the lender, by which such loans are constituted preferable claims on the estate to the exclusion of all others.

The transaction, however, must be evidenced by an authentic document to be registered in the Office of Hypothecs.

When loans are raised for the improvement of landed property, security is taken that the money will be expended for the alleged purpose; but such loans are rarely applied for.

The rate of interest varies from 5 to 10 per cent., according to the reputed solvency of the borrower.

5. Properties in general are heavily mortgaged. The common rate of interest is 6 per cent., when the capital is secured by special Hypothec, and not under 10 per cent. without Hypothec.

6. The creditor presents at the office of Hypothecs two identical notes, indicating the names of creditor and debtor, the description of the property to be hypothecated, and the amount of the loan. One of the notes in question is deposited in the Office of Hypothecs, the other is returned to the creditor with a certificate of inscription endorsed. The expense of this formality does not exceed 5 drachmas (3*s.* 7*d.*)

7. Currants, wine, oil, and grain. The richest soils are allotted to the vine and olive, the culture of which admits of no system of rotation.

Grain is raised on the poorer soils. After one year's crop the land remains for the next year in fallow. In the third year, should the first year's crop have consisted of barley or oats, it is sown with lentils, beans, or vetches.

The plough used is of the most primitive construction, drawn by two oxen, and making a furrow of about four inches in depth. Inequalities are smoothed over by means of the mattock, which the peasantry are accustomed to ply with great vigour and dexterity.

Sheep-goats and a few mountain ponies are the only animals reared; but no pains whatever are taken to improve the breeds.

During the summer the flocks are pastured on the high grounds, where there are but few cultivated spots that require watching. In autumn and winter they are pastured in the vineyards and among the low grounds, where they often cause incalculable damage, which gives rise to endless litigation and not unfrequently to bloodshed.

The surface cultivation of the Island may be estimated at one-third of its extent, the other two-thirds are available for pasturage. Grass lands there are none, in the accepted sense of that term.

8. No machinery of any kind is employed as a substitute for, or in aid of, manual field labour.

Hired labour is only employed by such of the large proprietors as cultivate portions of their property on their own account, the extent of which is comparatively insignificant. Ten hands will turn over with the mattock an acre of vineyard per day.

As every householder in the Island is an owner of property in one sense or another, the females of the family assist in the lighter labours of cultivation, but to no oppressive extent. Their peculiar task is to spin cotton, flax, and wool into thread, which they afterwards weave into cloth for family use on looms, the model of which, from its simplicity, may have been copied from that of Penelope.

It is only during the season of grape and olive gathering that they are to be seen in any numbers working for hire, and then principally in the vicinity of the towns, where they have their domicile.

The wages of agricultural labourers ranges from 1*s.* to 1*s.* 6*d.* and even 2*s.* per day, according as they receive rations, or not.

Women employed in olive and grape gathering earn from 6*d.* to 8*d.* per diem, in addition to their rations.

9. There is no distinct class of agricultural labourers as in England and most other countries of Europe.

As the soil of Cephalonia is naturally dry and the vineyards are situated mostly chiefly on the lower slopes of the mountains, the peasantry are enabled to finish their home cultivation early in the season and in time to enable them to proceed to the continent before the deeper soils of the Morea-Macedonia and the Danubian Provinces are sufficiently dry to be worked. Availing themselves of this circumstance they proceed to those countries in large numbers in quest of work, as many as 7,000 annually. They save up on an average about 20 Spanish dollars each, with which they return to their homes in the autumn in time for their own vintage. Cephaloniat emigrants, for longer periods, but equally mindful of their families in the Island, are to be found in large numbers all over the Levant.

10. The more considerable proprietors have houses both in town and in the country. The smaller and peasant landholders live in the villages nearest to their property.

11. Speaking in general terms, the landowners of all grades are lodged, fed, and clad in a style equal, if not superior, to that of their respective classes in any country of Europe. But since the cession of the Islands to Greece there is a considerable decline in the prices of local produce, which tells sensibly on the disposable means of all classes.

12. There are no reliable statistical data attainable from which this query could be answered in detail. It may, however, be assumed as a fact that the population of the Island is increasing in a ratio equal to that of the neighbouring countries of Austria and Italy.

The superficial extent of the island may be taken at 256·31 square miles, which would give a population of over 303 souls for each square mile.

13. The prevailing system of land tenure has contributed so signally to the prosperity of the island that few, I believe, would desire a change.

(B.)—Tenants and Sub-Tenants.

Tenure.

N.B.—As the prevailing modes of tenure in this island are the colonical and emphyteutic, the class of tenants, in the English sense, is the most limited of *all*; but, as far as they do exist, their holding is regulated by the same laws which apply to the two above-mentioned *classes to whom the observations* under this and the following head must be considered equally to apply.

1. From 2 to 10 acres each.

2. Colonical, or emphyteutic, generally, in perpetuity, but also for a limited number of years. The minimum course of the tenure in emphyteusis is fixed at twenty years, probably because the vine loses its productive vigour, and requires to be renewed after that period. As under both these kinds of tenure the tenant or holder is absolutely invested with the *dominium utile* of the lands, he is in all essentials a co-proprietor. Sub-tenancies are unknown. They are contrary to the disposition of law, a wise provision considering the limited extent of the holdings. In the case of the colonical tenure alone, the tenant possesses a legal right to assign part of his land in dowry to a daughter.

3. Tenancy must invariably be constituted by an agreement in the form of a notarial act, and authenticated by the signatures of two witnesses. Failing a regular contract, the right of possession ceases with the gathering in of the currant crop, and any dispute between occupant and landlord regarding rent would fall to be settled according to local use and wont. Instances of this nature are very rare indeed, and for obvious reasons.

4. There is a special register kept for this purpose in the Office of Hypothecs.

5. The annual canon in the case of lettings in emphyteusis, and the portion of produce payable to the landlord in the case of colonical, must appear on the face of the contract under the alternative of nullity. Failure to pay the stipulated rent for three consecutive years, subjects the tenant to the penalty of eviction. As free tenants invariably pay in kind, the landlord has always the means of securing his dues at the gathering in of the crop, of which the tenant is bound to give him timely notice.

6. Both by law and custom the tenant has a right to dispose of his interest in his holding; but only on due intimation of his intentions to his landlord, who by law enjoys the right of pre-emption. When the landlord assents to the transfer of the tenants'

rights to a new occupant, the outgoing and incoming tenants may be rendered responsible, conjunctly and severally, for the payment of the rent, as stipulated in the original compact.

Rent.

1. In the case of emphyteutic leases, the rent, according to the terms of agreement, may be made payable in money or in kind. In colonical and other leases, the rent is payable by share of the produce.

2. As has been already stated the law requires that the amount payable as rent must be clearly specified in the contract. It is settled by private bargain between the proprietor, or his land agent, and the tenant. But as regards the olive crop, the approximate quantity of oil which it may be expected to yield is estimated by a sworn valuator at the selection of the proprietor. Tenants holding by colonical tenure in perpetuity have the right to take exception to the first estimate, as they may see fit, and may call a second expert. These two experts, in case of disagreement, have the power to nominate a third to decide their differences, and whose decision is binding on all parties concerned. Other than colonical tenants have no right to call in a second valuator to decide between them and the proprietor, but they may throw the crop on the proprietor's hands by refusing to accept the proposed estimate of its amount. Rents in money are payable annually. Those in kind at the season of gathering in the crops of which, according to law, the landlord is to receive timely notice, so that he may be present in person, or by representative, to look after his own interests.

3. A landlord has no power of raising his rent, except on a renewal of the lease. Eviction for non-payment of rent, or breach of contract, can only be effected as the result of a judiciary sentence, and after the tenant has exhausted his means of defence. In the case of holdings in emphyteusis, the non-payment of rent for three years in succession involves eviction *de jure* and by summary process.

4. By common law the landlord has a claim on the produce of the holding for the payment of arrears of rent in preference to every other creditor of the tenant. This is the landlord's only resource, unless by an express clause in the contract it is stipulated that the non-payment of rent may be enforced by summary process and personal arrest. Failing such clause, he can only recover by the ordinary routine of summons and adjudication as established by the Code of Civil procedure.

Evictions.

1. The landlord raises an action before the Civil Tribunal by petition, wherein the legal grounds of procedure are to be set forth, with the relative proofs; a copy of this petition is then served on the defaulter by order of the Court, together with a summons to appear in Court within twelve days from the date thereof to answer the allegations contained in the petition. Failing to appear, sentence is pronounced in favour of the plaintiff within other twelve days from the day fixed for the hearing. Within a month, in the ordinary course of law, the case ought to be wound up and terminated. But where there is vexatious opposition on the side of the defendant by expedients well known to all practitioners before the Courts, the proceedings may be spun out to an indefinite length. The landlord's best protection lays in the saving clause in the contract as above referred to. No time is by law allowed to the debtor to redeem.

2. Evictions are not of frequent occurrence.

Improvements.

1. Farm steadings, properly so called, there are none in this island. The tenants inhabit houses belonging to themselves in the villages, or by sufferance houses belonging to their landlords, for the safe keeping of which they are responsible.

In the case of holdings in emphyteusis for a limited period of years, at the end of the prescribed term, as also on eviction for non-fulfilment of the conditions of lease, the tenant is entitled to full remuneration for all improvements effected during his occupancy. But it is optional to the landlord to pay down the amount in money, or to convert the capital into an annuity redeemable at the rate of 6 per cent.

The same rule applies to urban property held in fee, the only species of property which, according to law, can now be held by that tenure.

In the case of colonical holdings, the landlord is bound to contribute half the outlay on all extraordinary expense incurred for improvements, on their being effected.

On the termination of his lease, or on being evicted for sufficient motives, by a judiciary sentence, the colonical tenant has no claim for compensation of any kind.

Miscellaneous.

1. Ostensibly, at least, friendly. As all classes are equal in the eye of the law, the rights of all are equally guaranteed, or ought to be.

2. For modes of cultivation, and style of living, see Answers to Queries 7 and 11, under the head of "Small Proprietors." Where every householder is in some sense a proprietor, the chief distinction between one man and another, lays in the superior or inferior degree of education. All ranks are thoroughly penetrated with a sense of the advantages attendant on a good education, and strain after it with amazing eagerness. Great industry is the leading characteristic of the rural population. Their habits are those of the strictest economy. Poverty, in the general acceptation of that term, is rare among them, and a state of absolute destitution rarer still. Hence, they find little difficulty in raising loans in proportion to the value of their property, and their reputation for honesty, industry, and sobriety. The institution of the Ionian Bank has, in this respect, been productive of incalculable benefits to the industrial classes of this island.

3. No comparative difference has ever been remarked in this respect.

4. See Answer to Query 9, under the head "Small Proprietors."

5. See Answer to Query 13, *id.*

6. Not in modern times, at least. When the Venetians established military colonies in the island, after the expulsion of the Turks, A.D. 1502, they rounded out the holdings of their military tenants by the appropriation of waste lands belonging to the large feudal proprietors. This arbitrary measure, to which the present class of "small proprietors" owes its origin, the Senate condescended to justify by reasons set forth with so much *naïveté*, that they provoke a smile. Had any measure of this sort been attempted in more recent times, it would have been resisted to the death, as a violation of the great and essential principle of justice, according to the definition of the greatest of Roman legislators :—

"Justitia est constans et perpetua; voluntas jus suum cuique tribuendi."

7. No case of the kind has ever occurred to my knowledge.

8. See Answer to Query 6.

9. None.

10. There is no provision for furnishing loans in furtherance of any such object, either by law or otherwise. A strong desire prevails among the class of colonical tenants, and those holdings in emphyteusis to become, by purchase, the absolute proprietors of their holdings. With this view they are disposed, at all times, to make any sacrifice, often contracting loans of money at ruinous rates of interest.

11. From the mode in which land occupation. as heretofore described, is regulated, and the abolition of feudal tenures, and the law of entail,* it becomes manifest that the direct tendency of the laws on property is to discourage the accumulation, and favour the dispersion of land.

Copyhold.

Tenures strictly resembling the copyholds of England are unknown in this island. Leases may be granted in perpetuity, in the cases of colonical holdings, or in emphyteusis. But formal leases for a limited term, whatever the nature of the tenure, are only held valid in law for a period of thirty years, to which they are always reducible; any stipulation by contract to the contrary notwithstanding.

The laws on tenant right, however, provide for a lessee continuing to occupy after the regular expiry of his lease, by tacit reconduction ("tacita riconduzione"), for an undefined period; and should this species of occupancy be allowed to run on beyond thirty years, the tenant acquires a prescriptive right of possession, and becomes irremoveable.

British Consulate, Cephalonia, November 3, 1869.

(Signed) C. S. D. EVERTON, *Consul.*

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* See Acts Nos. 34, 36, and 67, Second Ionian Parliament, 1825; Act No. 26, Third Parliament, 1830; Act No. 15, Fourth Parliament, 1833; and Act No. 9, Seventh Parliament, 1840.

No. 6.

Consul-General Saunders to the Earl of Clarendon.—(Received November 15.)

My Lord, *Corfu, November 9, 1869.*

I HAVE the honour to transmit herewith, for your Lordship's information, copy of a despatch which I have addressed to Her Majesty's Minister at Athens, together with the accompanying duplicate of a Report forwarded therewith, on Land Tenure in this island.

I have, &c.
(Signed) SIDNEY SMITH SAUNDERS.

Inclosure 1 in No. 6.

Consul-General Saunders to Mr. Erskine.

Sir, *Corfu, November 4, 1869.*

WITH reference to your Excellency's despatch of the 17th September last, inclosing copy of a despatch, together with its inclosures, from Her Majesty's Principal Secretary of State for Foreign Affairs, requiring the fullest information in regard to the laws and customs affecting the tenure of land in this island, I have the honour to submit the accompanying Report and Replies to the several queries on the points therein referred to.

I must, at the same time, beg to apologize, not only for the detention which has occurred in the transmission of this Report, but also for the unavoidable length to which its details have extended, as well as for occasional repetitions arising from the intimate relations of some of the matters adverted to.

It will, however, be observable that the complications derived from ancient systems of tenure of a peculiar character, recognized and enforced by Ionian Laws, partially abrogated in the sequel by Hellenic legislation, giving rise to a series of perturbations, and further perplexed by a new rural system grafted on the former, together with subsequent modifications thereof, constitute in the whole an intricate labyrinth of associations difficult to penetrate, more difficult to define.

I have, however, ventured to assume that, under these circumstances, undue brevity would be less venial than prolixity—precipitation more compromising than delay.

I have, &c.
(Signed) SIDNEY SMITH SAUNDERS.

Inclosure 2 in No. 6.

Report on the Laws affecting the Tenure of Land in the Ionian Islands.

Population of Corfu.

Urban	17,114
Suburbs	8,197
Islets	1,717
Rural	46,165
Total	73,193

The foregoing results were obtained from the last census of 1864, which forms the basis of the present electoral lists as regards the population of the respective provinces of the Hellenic Kingdom.

Area and ratio. The total area of this island being 227 square miles, this would be in the ratio of abont 315 to the square mile, deducting the population of the islets as above.

Movement slow. The tendency to increase has been slow and inconstant, having been at the rate of less than three-quarters per cent. on an average of twenty years from 1844 to 1864; the official returns for the first-mentioned year giving a total of 64,676.

Decrease, 1836 to 1844. The statistics of the previous census in 1836 give the population at that period as amounting to 65,107, thus exhibiting a decrease during the intervening eight years as follows:—

Years.	Town.	Suburbs and Islets.	Rural.	Total.
1836	16,043	8,596	40,468	65,107
1844	15,864	8,246	40,566	64,566

It will be observed that the rural element remained nearly stationary during this period; the decrement having occurred in the town and suburbs.

The population of the whole of the Ionian Islands, according to the census of 1844 and 1864 was as follows:— Returns for a. Ionian Islands.

Is ands.	Area in Square Miles.	Population.		Average Increase per Annum.	Annual Increase per Cent.	Population to Square Mile in 1864.
		1844.	1864.			
Corfu	227	64,676	73,193	425·85	0·66	322
Paxo	26	5,017	5,321	15·20	0·30	205
Santa Maura	180	18,676	21,019	117·15	0·63	117
Ithaca	44	10,821	11,950	56·45	0·52	272
Cephalonia	348	69,984	80,979	549·75	0·79	233
Zante	156	38,929	44,760	291·55	0·75	287
Cerigo	116	11,694	14,490	139·80	1·20	125
Totals	1,097	219,797	251,712	1,595·75	0·72	229

According to the official returns for the four following years it would appear that in the three principal islands the following results have been obtained:— Births and Death

Island.	1864. Excess of—		1865. Excess of—		1866. Excess of—		1867. Excess of—	
	Births.	Deaths.	Births.	Deaths.	Births.	Deaths.	Births.	Deaths.
Corfu	619	..	63	..	..	41	..	131
Cephalonia	509	..	703	..	494	..	298	..
Zante	461	..	..	529	..	136	..	74

The large increase of deaths over births in Zante during the year 1865 may possibly be attributable, in the absence of any special endemic causes, to the number of reapers who are accustomed to proceed to the Morea for the harvest, and who frequently return in a sickly condition; a greater temptation, however, being presented the first season after the union with Greece.

The number of marriages contracted during the corresponding period. and their ratio to the population as given in the official Returns, have been as fallows:—

MARRIAGES.

Years.	Corfu.		Cephalonia.		Zante.	
	Total.	Ratio.	Total.	Ratio.	Total.	Ratio.
		1 in		1 in		1 in
1864	401	187·86	475	154·88	363	149·47
1865	676	133·27	483	192·39	308	145·32
1866	472	190·87	420	221·26	259	172·81
1867	733	123	358	236	245	161

As compared with other parts of the Hellenic kingdom it has been observed, that the ratio of marriages to the population of the respective provinces in the year 1867, has been the highest at Corfu and the lowest at Cephalonia. This may possibly be ascribed, on the one hand, to the large olive crop at Corfu in the winter of 1866-67; and, on the other, to the losses occasioned by the earthquake at Cephalonia in February 1867.

It would, however, appear that marriages are less frequent in these islands and Continental Greece than in other European countries; which circumstance has been considered attributable in some respects to the precarious resources of the population; the per-centage rate being nearly the same in both cases, on an average of three years up to 1864, namely:— Comparative rati with other countries.

Marriages in 100 inhabitants—

Ionian Islands	0·62
Continental Greece	0·6066

As compared with the alleged ratio of—

England	0·80
France	0·82
Italy	0·82

Religions.—Of the total population of this island the entire rural, and about two-thirds of the urban, belong to the Greek Church, the residue consisting of Roman Catholics and Hebrews in nearly equal proportions, namely from 4,000 to 5,000 of each denomination. The few Protestants are exclusively foreigners.

These results are represented in round numbers in the following summary:—

POPULATION OF CORFU.

Greek Church—	
Rural	46,000
Urban, suburban, &c.	18,000
	64,000
Roman Catholics—	
Rural, urban, suburban, &c.	4,500
Hebrews—	
Rural, urban, suburban, &c.	4,500
Total	73,000

Staple products.

Industrial Pursuits.—The staple products of Corfu are oil and wine; a small quantity of corn, principally maize and barley, being raised for home consumption.

Cultivable area. Olive groves.

Of the total area, equal to about 145,000 acres, from 120,000 to 125,000 may be considered as available land, where of three-fifths at least (say 72,000 acres) are dedicated to olive plantations, which, at a low average of six tries to the acre, would give a total of about 432,000. But considering their dense and injurious proximity in many localities, with some occasional tracts not in bearing at the same period, whereas the oil exported through the Custom-house in favourable seasons has amounted to upwards of 250,000 barrels (of 16 gallons each), while allowing some 50,000 barrels for home consumption, and reckoning each tree as giving, one with another, an average rate of about half a barrel of oil, the total number of olive trees in this island must considerably exceed 500,000

Olive crops.

Such a crop, indeed, is of rare occurrence, perhaps about once in ten years, not more than half this quantity being produced under ordinary circumstances every alternate year, though subject to frequent vicissitudes, whereby a large proportion of the produce is often irretrievably lost.

Neglected state of olive groves.

These olive groves, as a general rule, in this island, with some rare exceptions on the part of individual proprietors, are left wholly uncultivated and neglected until the period of collecting the fruit, which is allowed to fall of itself, no care being bestowed upon the trees, and agricultural labour being therefore restricted to the vineyards and arable lands.

Agricultural labour restricted to 50,000 acres out of 120,000.

Assuming these taken conjointly to constitute about 50,000 acres (in the proportion of about 4 of the former to 1 of the latter), the population addicted to their culture would be thus increased in the proportion of about 12 to 5 (say about 600 to the square mile), whereas it would otherwise scarcely average 250 to the square mile.

Wine.

The wine made here is of inferior quality, selling at low prices, and scarcely keeping beyond the year, being almost entirely used for home consumption. This result can only be attributable to bad management, though the culture is carefully attended to and the produce good.

Distribution of area.

The following summary exhibits the total distribution of the land according to the foregoing computations:—

COMPARATIVE SCALE of Cultivated and Uncultivated Land at Corfu in 1836 and 1869.

Distribution.	Square Acres in 1836.	Square Acres in 1869.
Olive groves	74,036	72,000
Vineyards	34,684	40,000
Arable	11,967	10,000
Pasture	12,273	11,000
Uncultivable	12,320	12,280
Totals	145,280	145,280

LAND OCCUPATION.

System of tenure.

The system of tenure in the Island of Corfu is mainly derived from ancestral titles and customs established under the Venetian rule. It essentially differs from any prevailing in the other Ionian islands or Continental Greece, and has given rise to much dissension of late between landlords and tenants. No material changes therein may be deemed to have taken place under the British Protectorate, the old Venetian laws and customs having

served to regulate all such matters until the year 1841, when the Ionian Civil Code and certain special enactments for the purpose of regulating forms of procedure, were brought into operation; the original contract stipulations between the parties being respected by the Ionian Legislature.

No sooner, however, were these islands annexed to the Kingdom of Greece, than the rural element, whose extravagant expectations were the natural result of designing agitation, began clamouring for the abolition of proprietary rights, with the view of exempting tenant-holders from all conditions and liabilities affecting their position as such, while retaining the property in their own hands. Rural agitation.

The nature of the several tenures is as follows:— Tenures.

1. Portion-tenure in co-partnership with the landlord in varying proportions for a term of years or in perpetuity, and applicable to the great majority of cases.

2. Leaseholds for any specified period.

3. Long-leaseholds (for a period in no case less than twenty years as enjoined by law); and assignments in perpetuity, differing only from the former in duration, and in both cases at a fixed rent. (See Tenure.)

These three descriptions of tenure, though constituting different titles in law, are indispensably founded in all cases on written engagements, and the rents payable either in money or in produce according to the respective agreements. Notarial contracts.

This system originated in colonists of Venetian origin, who, having obtained tracts of land (for the most part encumbered and waste) which they were unable to cultivate themselves, made these over to others for this purpose, on conditions recognized and provided for by law, and codified by the Ionian Legislature in 1841 for the security of all parties concerned. Origin of portion-tenure here.

Thus the occupant remained undisturbed in his holding for the stipulated period so long as he conformed to the terms of his contract, the landlord having the power of eviction in certain cases for breach of covenant.

But in cases of portion-tenure, this continuing title of occupancy was not associated, as a necessary consequence, with actual payments in produce, or their pecuniary equivalent; such proportionate rent being in most cases determined by appraisement of the crops at prescribed periods, as established upon fixed principles laid down by law, regulating and defining such fluctuating tendencies. Continuing title. Fluctuating rent.

Whensoever the property reverted to the landlord, whether by expiration of agreement or by eviction from the tenant's default, the latter was entitled to compensation for all improvements, according to the system defined by law for the several descriptions of tenure; *the value of such improvements*, whether consisting in buildings or cultivation, to be determined by appraisement. (See Improvements.) Compensation for improvements.

The circumstances which have caused a revision of the laws affecting this system are thus described in a Memorial addressed to the King by the landed proprietors of Corfu in January 1866, with the view of inducing His Majesty to withhold the Royal assent to a Bill which had then recently passed the Legislative Chamber at Athens, seriously affecting their territorial rights:— Alteration of laws affecting tenure.

"The rural property at Corfu rests upon a peculiar basis. The owners of such property, for the most part transferred their possessions to agriculturists, either for a limited time or in perpetuity, for the purpose of being cultivated, on payment to the proprietor either of a clear proportion of the produce, according to the particular agreement, or of a fixed annual or biennial contribution in kind or in money. As the cultivators might abusively appropriate all the proceeds, neglecting to pay the owners the portion due, or the stipulated rent, the Ionian laws, from the remotest periods, provided securities for the rights of the owners the most potent of which was that of personal arrest; and finally the right of the latter to recover his property when the holder either neglects to cultivate or to pay his proper contributions for three years. Landlords' grievances.

"The Legislativ Aassembly has not only suppressed personal arrest, which was the landlord's best guarantee, but has proceeded to the incredible extent of suspending for an indefinite period the exercise of his right to recover his property in order to dispose thereof according to his own will and pleasure."

By the enactment to which the Memorialists refer, the ostensible object of which was to assimitate the laws and ordinances of the United Kingdom of Greece, it was at the same time specifically provided that "The prescriptions of the Ionian law (of 1841) respecting the appraisement of the olive crop, are abolished from the introduction of the Hellenic Judicial system ($\frac{1st}{13th}$ July, 1866), and those of Hellenic law, as regards personal arrest, are equally applicable to the Ionian Islands from the publication of the present law ($\frac{20th\ January}{1st\ February}$, 1866). R.N. Law (No. 150), January 20, 1866. Appraisement of olive crops abolished. Power of arrest annulled.

"The provisions of the Ionian Code respecting the reintegration of territorial rights, Reversions suspended *sine die*.

are suspended from the publication of the present law until the emanation of the Hellenic Civil Code.

Debtors liberated.

"Any persons who, contrary to the provisions of Hellenic Judicature, may now be detained in the prisons of the Ionian Islands, are to be forthwith liberated."

No basis left for rent.

Upon these points, whereby the whole system of tenure was subverted, and predial engagements rendered nugatory, the Memorialists comment as follows :—

Landlords' grievances continued.

"From this it is manifest that the property title left is purely nominal; because, while it becomes impossible for the landlord to collect his rent, he cannot even dispose of his land or administer it in his own way, it being *de facto* transferred to the holder, who has the right to retain it whether he cultivates or not, withholding with impunity the landlord's dues.

"The arbitrary character of the new law is brought to a climax by altering the stipulations which, founded upon existing contracts, secured to the landlord, without detriment to the tenant, and indeed with his assent, the means of ascertaining the produce of olive trees, in order to determine the portion due to the tenant; while, in lieu of agreements entered into by the contracting parties, a law has been substituted in no wise applicable to the appraisements of fruit ready to fall, and tending to injure the proprietor by exposing him to the arbitrary discretion of interested parties."

In spite however of these remonstrances on the part of the landed proprietors, the Bill in question received the Royal Assent shortly afterwards.

Dismay of landed proprietors.

Such a result naturally spread consternation and dismay among the landed proprietors, whose interests become seriously compromised thereby; their territorial rights being made to depend, not upon covenanted conditions and reciprocal obligations, but upon some remote contingencies of future legislation.

Elatement of rural element.

When moreover the period had arrived for making the usual appraisements of the olive crop under portion-tenure, the rural classes assumed to themselves a virtual transfer of the property to them, and refused to recognize any longer those conditions of tenure under which they had acquired certain vested interests, but subordinate to specific liabilities, and subject to pains and penalties for non-fulfilment, abolished in like manner.

Prefect's Proclamation.

A Proclamation* was then issued here, with the view of inducing the tenantry to come to some amicable arrangement with the respective proprietors, as regards appraisements of the produce, on the basis of which alone could the portion due to either party be determined.

But the tenant-holders, strong in their convictions and abetted by their Representatives in the Chamber, strenuously persisted in resisting such pretensions; and the landlords had therefore to submit to the forfeiture of all share in the olive crop of that year, such being, in most cases, their principal source of income.

This usurpation successfully accomplished, the tenants considered themselves emancipated from all predial obligations, and independent of proprietary rights; while the evicted landlords could only hope to repair by subsequent legislation the palpable spoliation perpetrated in this respect.

New Rural Property Law. (No. 244.)

In the following session therefore, the Government, seeking to palliate this injustice, introduced another measure of a complicated character which became law in 1867, the tendency of which was, to enable either party to such portion-contracts to exercise the option of terminating their co-partnership; the property in such case passing into the hands of greater shareholder (usually the tenant), it being open to the minor party in the social compact (or specifically to the landlord if equally divided), to claim his corresponding *quota* of the property itself. Otherwise the farmer is to indemnify the latter by commuted payments in ten annual instalments (bearing 6 per cent. interest, as subsequently provided); the relative value of the respective portions being determined by appraisement, and comprising, on the tenant's behalf, "the value of all buildings appertaining to agriculture." Also others when the landlord sues. (See Improvements.)

Article 53.
Article 54.
Article 59.
Buildings.
Article 56.

Cultivation.

Should the tenant, however, have no title under contract to any share in the land (as always comprised anterior to 1841), he is also to receive, on the dissolution of the co-partnership, the extra value accruing to the estate from his cultivation; while reserving to the tenant, in the latter case, the right of attachment. (See B. 2.)

Compensation on eviction.

In long leaseholds and assignments, the holder became entitled, in either case, to purchase the freehold, on the basis of his capitalized rent at six per cent., with the like facility as to liquidation in ten annual instalments. But in the event of termination of agreement, or eviction from the tenant's default, such holders are entitled to compensation for all improvements, whether in buildings or cultivation, as existing on the premises at the time of restitution, as provided by the Ionian Civil Code, Article 1680; the basis of

* Parliamentary Papers, 1867. Despatches respecting the Ionian Islands, page 40.

appraisement differing only in some respects according to the circumstances of reversion, by default or otherwise. (See Improvements.)

Finally, all outstanding agricultural debts, of whatsoever nature, anterior to this Law, are made payable in similar instalments. Rural debts.

The reintegration of the landlord in his territorial rights was also provided as formerly, in the event of non-payment of his dues for three successive years or two biennial olive crops. Reversions to landlord.

Such are the most essential provisions of the new Law.

A separate law was at the same time passed, regulating upon new principles the appraisement of olive crops. New appraisement of olive crops.

It was soon observed that these provisions were in many points defective and objectionable, and that even the text of some of the Clauses had been tampered with, by the omission of interest, which gave rise to further discussion in the ensuing Session; the result being that two supplementary laws, modifying the former, were subsequently passed, facilitating the mode of appraisement aforesaid, and extending the period for effecting the same to the advantage of the rural classes, while providing for the payment of interest at 6 per cent. on all protracted instalments. Subsequent modifications.

Furthermore, in lieu of any other effective means of enforcing payment of rents, it has been provided that, if not recoverable within two months after falling due, the tenant shall be provisionally evicted from the property (on which, however, he is not usually accustomed to reside) until such payment is made, the administration thereby falling into the hands of the landlord, while, however, reserving to the tenant his rights over the property and produce. (See Evictions.) Provisional eviction.

The arrears due for the last two years are likewise recoverable, in accordance with certain other provisions of Hellenic Law. Arrears payable.

Such is the present system of land occupation in this island, originating several centuries ago, maintained unimpaired until a recent period, subverted by subsequent legislation, and more or less readjusted in the sequel as already explained.

The prevalent public opinion thereon will be adverted to under Query No. 13 A.

(Signed) SIDNEY SMITH SAUNDERS.

Corfu, November 4, 1869.

Annex.

(A.)—Small Proprietors.

1. The quantity of land usually held by each is very variable and often widely dispersed, having been frequently divided and subdivided by dowry allotments and inheritance, until, in many cases, the portions appertaining to a single individual have become infinitesimally small, and often so intersected and blended with other properties, as to be only definable by local tradition. Division of land.

This is more especially the case in regard to the olive groves, where it not unfrequently happens that one or more trees belonging to some other petty proprietor, may be completely surrounded by those of another proprietor, involving detrimental passage rights; and several individuals may even have a joint title upon a single tree.

Professor Ansted, in his work on the Ionian Islands, published in 1863, observes—"It is a remarkable fact in Corfu, that almost every grown male in the island has some land, or some rights over land. These consist partly in olive groves and partly in cultivable lands, which again are either covered with old vines or are arable. There are, however, no divisions of land whatever in the olive groves, and the oldest inhabitant has to be referred to in the case of any doubt as to the proprietorship of particular trees" (p. 455).

2. The Ionian Civil Code, still in force here, makes no distinction between real and personal estate. The right of inheritance on the father's side is vested in the male line, per capita or per stirpes as the case may be (Article 606), but, failing this, in the female (Article 632), with right of participation to daughters in the second degree where any of the sons may have died without male issue (Article 630); or, otherwise, daughters and their descendants are entitled to receive a proportionate dowry from the estate, whether married or single (Article 631); but sons and daughters and their descendants inherit equally per capita or per stirpes on the mother's side (Article 633). Testators can dispose absolutely of one-quarter to one-half. Law of inheritance

3. The legal method used for the sale, transfer, exchange, or division of such Notarial sales, &

properties, is by notarial act, the original deed being signed by the parties in the notarial register, and certified copies thereof, when required, being delivered to the parties themselves on stamped paper of the prescribed valuation.

The cost of such transactions is comparatively insignificant.

Loans. 4. No special facilities have ever been afforded by the Government for raising loans upon such properties, although an Agrarian Bank has often been advocated for this purpose.

The Anglo-Ionian Bank has been in the habit of making such advances on approved personal security, not so much for the purpose of buying off family charges, or for improvement of the property, as to enable parties to meet other engagements from such loans.

The terms for these advances are 7 to 8 per cent. interest, payable in advance; the legal interest being 10 per cent.

Mortgages. 5. Small proprietors connected with the rural classes are scarcely in a position to offer adequate securities to any responsible banking establishment for such advances.

Consequently such parties can only have recourse to private capitalists for this purpose, the rate of interest required on such occasions being in proportion to the nature of the security and the necessities of the individual. As a general rule the rural classes may be considered as encumbered with debt, which, however, they generally seek to meet by selling produce in advance at a ruinous sacrifice, with increased liabilities should that produce fail.

Fictitious sales have often been resorted to in security for such advances, the property being leased in return to the nominal vendors at a stipulated rent, with corresponding declarations of nullity in the event of such rent being duly paid; but these transactions have been strictly prohibited by the new law under heavy penalties.

Legal interest. The recognized legal interest in all matters connected with land is 6 per cent.

Registration of mortgages. 6. Mortgage and other privileged claims upon such properties, are henceforth, under the new Greek law, available only from the time of such titles being duly recorded in the respective local registry office, and in a special book dedicated to this purpose according to the French system; such liabilities, until formally cancelled, following the property into whatsoever hands it may subsequently pass.

For the registration of existing titles of this nature four years have been allowed, under pain of nullity at the expiration of that period.

The expenses connected therewith are trivial; consisting of a small per-centage, or tariff dues for particular deeds not subject to valuation; and of stamped paper for copies deposited or certificates issued.

Agriculture. 7. The crudest notions of agricultural principles prevail here, nor in any systematic rotation of crops habitually practised by the farmers, who, according to the position and quality of the soil, have been accustomed, from generation to generation, to tax its productive powers in whatever manner, time, and circumstances may have permitted.

It is, indeed, a well known fact, that tradition is held in extreme veneration in Eastern climes; not only influencing all the relations of social life, but constituting a guiding principle in all familiar habits; from which it would be deemed little less than sacrilege to deviate, under the promptings of schismatic doctrines or heterodox innovations of any kind, contrary to ancestral precepts, to which the uneducated classes are intensely bigoted.

Thus, the only system recognized and applied here, is that of a capricious and exhaustive process; having no means of artificial irrigation; no manuring, unless in exceptional cases; no leguminous alternations; nothing of a recruiting tendency beyond semi-annual periods of following relief.

The mode of tillage is also of the most primitive description; the antiquated ploughs and other implements employed for this purpose, scarcely differing in any essential degree from those which may have been handed down from the time of Hesiod.

The Corcyræans, in fact, do not appear to have inherited any agricultural predilections from their Homeric ancestors beyond a devotional attachment to their implements of husbandry; and indeed, as Professor Ansted remarks (loc. cit., p. 455), "there is really comparatively little done in the way of agriculture."

Pasturage. A general right of pasturage prevails over all waste lands and olive groves, excepting when the produce of the latter is about to fall, when such right is suspended, with liability to fines for transgression.

The proportion between tillage and grass lands may be considered nearly co-equal, as already explained under the heading of "Industrial Pursuits."

Woods and forests. This island is entirely destitute of woods and forests.

Machinery. 8. No machinery is used in aid of manual labour.

Hired labourers are employed at particular seasons as occasion may require, more especially for the pruning, digging, and re-levelling of the vineyards, as well as for the gathering of the produce, whether grapes or olives, and ordinary tillage; but during the dry summer months they remain for the most part without employment, which serves to impart a listless character to the whole rural population. Hired labourers.

The average number of hired labourers to the acre, distinguished from others of their class, cannot be defined, as from time to time nearly the whole able-bodied population, including females, are indiscriminately engaged in the most laborious occupations for themselves or others, under the pressure of simultaneous requirements. Female labour.

Agricultural labourers are not accustomed to live upon the property of their employers, nor indeed to have any permanent engagements of the kind: their daily wages, according to the nature of the work to be performed, and the exigencies of supply and demand, varying from about 1*s.* 6*d.* to 2*s.* per diem for men, and generally 1*s.* for women. Wages.

9. There is no emigration from hence of agricultural labourers, the rural population being already too scanty, and requiring an influx of Christian families from the adjacent Turkish territory to co-operate on all occasions of a favourable olive crop. Emigration.

10. Small proprietors, and others of rural origin, usually reside in their native villages; the upper classes, with very few exceptions, residing in town, though possessing country-houses on some of their estates. which are generally closed during the greater part of the year, but to which they chiefly resort for the vintage alone. When, however, their property is free from tenant-holdings, they usually farm out the land, or the pending produce in oil, for one season at a time, to some of the neighbouring villagers, receiving a stipulated portion of the produce free of all expenses, while, however, making their own wine and attending to the vintage themselves. Where residing.

Under such circumstances, the great bulk of the gentry are regarded and criticized as *quasi* absentees, such characteristic being rather applied as a landlord's penalty than a tenant's infliction, the property being abandoned in the main to the sub-proprietor's discretion as a shareholder, and the agent's duty being chiefly confined to the collecting of the landlord's dues and the keeping of accounts. Absentees.

11. The village houses are usually built of stone, sufficiently commodious, according to the circumstances of the family, and mostly appertaining to the occupants themselves. Village houses.

The food of the peasantry is rather of a low standard, blended with a plentiful admixture of herbage and oil, together with native wine, and occasional meat, but few cultivated vegetables, for which they chiefly resort to the town, which is plentifully supplied by Maltese settlers. Food.

The clothing of the tenantry is substantially good, and on their not unfrequent festivals the men are smartly clad, and the women profusely decorated with golden ornaments, which, however, are often deposited at intervals in the Government Pawn Establishment or Monte di Pietà, to be redeemed as occasion may permit; the gradation and extent of such display serving as a kind of metrical index of rural prosperity. Clothing.

Their general circumstances however are necessitous, living from hand to mouth, and much involved in debt; recklessly improvident on all occasions, and accustomed to look to their patrons for pecuniary advances in seasons of distress, which the latter, under the altered circumstances of penury and distrust, are no longer either able or willing to supply. General condition.

12. The average population of the rural classes, per acre, is very nearly equal to the actual cultivated area, exclusive of that occupied by olive plantations as aforesaid, namely, 46,165 souls (in 1864) to 50,000 acres of vineyards and arable land—the annual increase in the whole population of this island, on an average of twenty years (1844 to 1864) having been at the rate of 1 in 151·87 or about 0·66 per cent., whence the population would become doubled in the space of 105 years, as compared with the whole of Greece (according to the latest statistics) in 77 years, Italy in 83, &c. Ratio of rural population to cultivated area. Rate of increase.

As a medium of comparison between the respective classes it may be added, that the increase of the urban and suburban population, on the average of the aforesaid period, has been at the rate of 145·90 per annum, being 1 in 165·25, or 0.60 per cent., while that of the rural population was at the rate of 279·95 per annum, being 1 in 149·90, or 0·69 per cent. Comparison with urban population.

13. The prevalent public opinion as to the advantages or disadvantages of any part of the above system, may be divided under two heads, as contemplated from the landlord's or the tenant's point of view. Public opinion.

The landlord considered the power formerly conferred under the Ionian Law, of arresting his tenant for non-payment of rent, as a vital principle, that of distraining instead being altogether illusory; to which, however, has now been superadded provisional eviction Provisional eviction.

after the lapse of one year and two months, which may be deemed so far advantageous as serving to exercise some minor degree of coercion.

ıb-letting. He would also have wished to retain the power he formerly possessed, of giving or withholding his assent to sub-letting, more especially in co-partnership tenure, and the preference of pre-emption on the sale of assignments, for he can otherwise have no security against any kind of tenant or associate who may be foisted upon him.

Above all he complains of the encouragement given in the first instance to projects of rapine and usurpation, by hastily and inconsiderately subjecting him for a time to a virtual spoliation of his proprietary rights, by the so-called "assimilation law" of January 1866; whereby not only was the power of arrest for nonpayment of rent superseded as aforesaid, but also the statutory provisions for the apprizement of olive crops (under the Ionian Law of 1841) recklessly abrogated without a substitute, while his title to the reversion of his property in the event of non-payment of rent for three years was in like manner indefinitely left in abeyance until some eventual codification of Hellenic Law, thereby depriving him, in the former case, of any basis for the recovery of produce under portion-tenure, and at the same time holding out a palpable encouragement to the extravagant pretensions entertained by the rural classes to consider themselves as the rightful and irresponsible possessors of the soil.

Although these legitimate grievances on his part have been more or less recognized and redressed, being allowed to recover by attachment of produce his arrears for the last two years, his former reversionary title having also been restored (not reckoning the said suspensory period however), and a new system for the appraisement of crops having also been instituted upon more advantageous principles, be it said, as affecting the portion-tenants; yet the evil impressions inspired in the interim by such crude legislation cannot be so readily suppressed, nor their noxious influences during nearly two years' growth (till November 1867) promptly eradicated.

Tenants, on the other hand, can only have cause to rejoice in the several concessions made in their favour; although starting with a fixed idea of appropriation, and disappointed therefore in their original anticipations of becoming altogether independent of proprietary interference, while reducing their landlords to the position of mere titular incumbents on sufferance.

It cannot, however, be questionable, that the efforts made to reconcile these contending interests have been so far successful of late, that such hostile manifestations have to some extent subsided; but the test of time can alone suffice to determine how far the eventual results may be found to correspond with an equitable adjustment of proprietary and tenant rights, and to appreciate the practical application of these remedial measures.

(B.)—Tenants and Sub-Tenants under Landlords.

Tenure.

ending of classes. 1. The tenants and small proprietors among the rural classes are so intimately blended together as to offer no adequate means of discriminating between the two positions referred to. They frequently partake of both characters in different holdings; and in fact it is a manifest convenience to all parties, for small proprietors or portion-tenants in perpetuity (constituting to all intents and purposes a small proprietary title, with an eventual claim in many cases to a definite quota of the land itself), to rent adjacent property belonging to some distant owner whose lands may be widely dispersed.

The same imperceptible gradations in the social scale characterize the rural classes as a whole from proprietor to peasant, so that while differences of tenure may be open to definition the only intelligible distinction between different classes of the community is that of the line which is commonly drawn between the rural and the urban, or suburban population.

It is not customary here, as a general rule, to find small cottiers living on the land they cultivate and exclusively dependent upon this; consequently no measure of quantity can be assumed as a usual standard of comparison in such exceptional cases.

fferent tenures. 2. The tenure of rural property, as laid down by the Ionian Civil Code of 1841, may be classified under the following titles, namely:—

1st. Tenancy in copartnership between landlord and tenant, for a term of years or in perpetuity, each party being entitled to a specific portion of the produce, and the latter having an eventual title to a determinate quota of the property in a corresponding ratio if anterior to 1841, or if expressly set forth in subsequent contracts, failing which no such right is conferred in the latter case.

2nd. Simple leaseholds at a fixed rent for a stipulated period.

3rd. Long leaseholds to be held for a term of years, or as assignments in perpetuity, at a quit-rent payable in money or in produce as defined by contract, the property reverting to the landlord entire in certain cases of default or contravention, with a legal title on the part of the lessee in all cases to compensation for improvements, to be settled by appraisement. (See Improvements.)

It is further provided that such leases, if of temporary duration, shall in case be limited to less than twenty years ("non potranno essere mai minori di anni venti"). Article 1,653.

There is also a fourth description of tenure associated with ex-feudal property, more particularly adverted to under Query B 5.

In the foregoing tenures, all subject to written agreements, the parties may covenant upon any terms and conditions they please, in so far as not otherwise prescribed by law. But in the absence of express stipulations on particular points the following regulations are laid down as to subletting and other matters adverted to in the following Queries:—

In cases of co-partnership in portion-tenure, the tenant could in no wise transfer his rights and obligations to another individual without the landlord's express consent in writing. Sub-letting.

In simple leaseholds the tenant was always empowered to sublet unless expressly prohibited by the terms of the contract.

In long leaseholds and assignments the tenant was bound, under pain of nullity and forfeiture, to give due intimation to the landlord of the precise terms and conditions under which such beneficial interest was to be transferred; the latter being allowed one month to reply, with the option of claiming the preference upon the same identical terms, subject to appraisement of improvements in case of fraud, his assent being implied by silence. Should he decline to avail himself of such option, while dissenting from the transfer, the tenant, though not restricted from effecting the same, became responsible in common with all other interested parties, for the payment of the landlord's dues by the new tenant.

By the new rural law, however (of 1868), specially applicable to this island, it was provided that in all cases the portion-tenant, or long lease-holder, or assignee, can alienate his subordinate rights without personal responsibility by delivering to the landlord or lessor through a competent channel, a copy of the agreement within one month of completion for his information and guidance under pain of nullity, without any restrictions being available to the landlord on such occasions. Article 68.

3. The general rules laid down by the Ionian Civil Code (still in force here in such matters) prescribe that all agreements for letting houses or rural property ("case e beni rustici") must be made in writing, with the exception of a transitory tenure which, in the absence of written agreement, the law recognizes as limited, in the case of houses, to three months; and in the case of rural property, to such period only as may enable the holder to collect the crops ("si riputeramo stabilite per quel solo tempo ch'è necessario affinchè il locatario raccolga tutti i frutti del fondo locato"). Agreements in writing. Limitation of paro agreements. Article 1,572.

The same rule applies to lapsed leases and other provisional occupation of rural property. Thus, in arable land, such transitory holding would terminate in June or September, according to the nature of the crops; vineyards in October, olive groves when denuded of fruit, in the spring, and the like.

4. Such written agreements are drawn and registered by every notary public, according to the system described under Article 3. Notarial contracts.

5. With the exception of the tenures already adverted to as resting upon specific agreements, the only cases to which any law or custom applies, "whereunder a tenant is considered as having a right to remain in occupation of his holding so long as he punctually pays the stipulated rent, or a rent to be determined from time to time by some local tribunal or by agreement, subject to arbitration are the tenant rights associated with considerable ex-feudal property allodialized in 1825 by an Act of the Ionian Legislature (Act No. 36 of the 2nd Parliament). Ex-feudal tenancies.

The occupants of these manorial domains have been accustomed from time immemorial to enjoy an uninterrupted title of possession so long as they paid the stipulated rent, in money or in produce, to the ex-feudatory proprietor.

By a subsequent Act of the same Parliament (No. 67 of the 24th March, 1827) it was provided that such payments in kind should be commutable to a money value at any time whensoever the "Contributors" might deem fitting upon the basis of a computation involving certain deductions for dues formerly payable to the local Government by the then feudatories and renounced in their favour.

In the absence of ancient contracts to define the commuted rent, recourse was to be had to other contemporary contracts of a like nature, or to the ancient anagraphs, or to feudatory receipts of the earliest period, or to the prices of produce when first covenanted,

at the option of the Contributors, subject to judicial examination and control in case of dispute.

Provisions to a similar effect have been incorporated also in the new Hellenic Law.

It was further enacted by the aforesaid Ionian Law (Article 10) that such commuted rents should be perpetually redeemable at the option of the Contributors, on payment of the capitalized equivalent at 5 per cent., which now, subject to some further rebate on commutation, has been fixed at 6 per cent. (See copyhold.)

'enant can sell ithout consent.

6. The tenant can now sell his interest in any holding, under whatsoever tenure, as already explained in treating of sub-tenancies, by simple intimation thereof to the landlord and irrespective of his consent. (See B. 2.)

Rent.

low paid.

1. Payment is made to the landlord, either by a fixed amount in money or in kind, or more frequently by share of the produce, according to the respective agreements.

low regulated.

2. Rents are regulated only by mutual convenience, without direct legal restrictions, although indirectly influenced by the several considerations adverted to under the following query; the customary agreements in other corresponding cases serving as a standard of comparison and dictating an approximate assimilation of terms.

/hen payable.

Rent is usually payable at produce-periods (whether in money or in kind), according to the nature of the property, as expressly defined in the several contracts, that is to say, July or September for cereals, October for grapes, January for oil, and so for other products, but not in casual instalments.

aising rent.

3. The landlord's power of raising the rent is counteracted,—

Firstly, by long leases at a fixed or proportionate rent;

Secondly, by the absence of active competition, the property being otherwise left on his hands; his recourse to eviction for non-payment of rent, breach of covenant, or other legal infraction involving such penalty, being restrained by the liability (afterwards explained) to pay for all improvements on the premises, and available only in cases of the grossest default. (See Evictions).

ecovery of rent.

4. The Ionian Law, irrespective of eventual eviction after three years, allowed the landlord to exercise the power of arrest for the recovery of rent; but that power having new been superseded, as inconsistent with Hellenic principles unless specially stipulated between the contracting parties (for which the law itself hitherto provided); provisional eviction, after the expiration of one year and two months' grace, has been substituted in lieu thereof; as more particularly set forth under the heading of "Evictions."

No cases, however, have yet occurred in illustration of this procedure, the law conceding this power having only been operative during the last twelve months.

The tenant, on the other hand, can experience no difficulty in enforcing, by due process of law, the payment of any compensation claims to which he may be entitled (see Improvements); and the vacating of the premises would doubtless be made contingent on such payment being effected.

Evictions.

ocedure.

1. The legal means of procedure by which a landlord can evict a contumacious tenant is by simple notice to quit, intimated to him through a Sheriff's Officer, which the tenant can oppose within three days by application to the Court of Primary Instance, subject to adjudication within eight days.

Should no such opposition be raised, or should the case be decided against the defendant, an order of eviction follows at the instance of the plaintiff, who is thereupon put in possession by the action of the Court.

The tenant has a right of appeal to the same Court if condemned in absence, and in such case the suit is inserted on the list to take its turn with others, unless precedence be conceded.

hen incurred.

In rural tenancies this liability is not incurred, save on the expiration of agreement, or non-payment of rent for three years; and in cases of provisional eviction under the new Hellenic Law (Article annexed)* the tenant is still allowed a considerable time to redeem, until the expiration of the full term as aforesaid (See Rent 4). It is also provided

ne allowed to eem.

* (Translation.)—Art. 80. If the portion-tenant, or lessee, or long leaseholder, or assignee, do not pay his annual or biennial portion, rent, or contribution, when due, after the expiration of two months, he is evicted from the occupation of the property until he pay his debt, or it be paid off; reserving to him his rights upon the property and produce.

The case is adjudicated in a summary way before the competent Primary Court, in accordance with the rules of civil procedure.

by another clause (Article 71) that the tenant may still redeem his holding up to the execution of the final judicial sentence, by paying to the plaintiff all arrears, with interest, together with the recognised legal expenses.

2. Evictions from rural property have seldom occurred here, the case being scarcely likely to arise while the earlier remedy of arrest was open to the landlord, who was held responsible for the maintenance of an indigent debtor on such occasions. Of rare occurrence

The raising of rent is not a proximate cause of eviction here, and can only be available on expiration of lease or after long continued default on the part of the tenant. But fixity of tenure has always been considered as the landlord's bane, involving interminable complications. Fixity of tenure.

Improvements.

1. All improvements, more especially in buildings, when held on short leases (parol agreements being limited to a term of three months), are usually executed by the landlord. In short leases.

In long leases, the duration of which can never be less than twenty years (B. 2), such improvements are executed by the tenant, with the right to compensation for the same in every case, as more fully explained under Query 4. A like title to compensation, under similar circumstances, is also applicable to improvements in cultivation, comprised by the law under the same category as the aforesaid. In long leases. Tenant's compensation.

2, 3. The tenant's security in this respect is founded upon the provisions of the law, which entitles him to recover in the ordinary way, with power to attach the property for increased value derived from cultivation (Article annexed).* His security.

4. The compensation due in such cases is defined and ascertained by appraisement, according to the following provisions of the new rural property law as aforesaid. How defined.

(Art. 56) The indemnities prescribed by Articles 53 and 54 (on separation of holdings, as already referred to in the accompanying general Report), consist in the appraised valuation of that portion of the recipient's property, appertaining, according to local usage, to the party to be indemnified. For the appraisement of the property, regard is to be had to its value at the time of appraisement, comprising also on the tenant's behalf the value of all requisite buildings erected by him connected with agriculture.

"Furthermore, those which are not requisite for this purpose in case the determination of the tenancy be sought by the landlord. On the other hand, the value of all contributions for which the property may be liable to him, is to be awarded on the landlord's behalf."

5. Tenants have no other means of obtaining loans for the improvement of their holdings than by having recourse to their landlords or private individuals on any terms, conditions, and security which may be mutually accepted; as adverted to under Queries 5 and 11. Tenants' loans.

Miscellaneous.

1. The relations between landlords and tenants were formerly of a friendly character. Relations between landlords and tenants.

The landlords were accustomed to a hearty reception in the rural districts, though usually residing in the town as habitual absentees from their property.

They were disposed to assist their tenants with pecuniary advances in seasons of distress, which the precarious resources of olive crops rendered of vital importance to many, as well as the requirements of agriculture.

Principles of conciliation and good faith were universally observed in all transactions between landlords and tenants; their prospects being intimately blended, more especially under the prevailing system of portion-tenure.

More recently, however, circumstances have changed, the tenant considering his landlord as an intolerable incubus which he would seek to shake off, and whose property he would aspire to usurp as a rightful inheritance or legitimate spoliation.

The landlord, on the other hand, could only regard his tenant in the light of an unscrupulous invader, a designing adversary actuated by lawless propensities, and setting at defiance all congenial influences under the inspiration of communism and social equality.

Many points of similarity and divergence may be detected here between these local dissensions and the several phases of the land question in Ireland to which contrast has

* (Translation.) On reversion the landlord returns to the long leaseholder, portion-tenant, or assignee, the increased value of the property derived from cultivation, reserving to the tenant the right of attaching the property.

been invited, "especially when the land is occupied by a tenant in consideration of such tenant paying a certain stipulated rent to the landlord," in order "to ascertain how far the laws and customs affecting such tenures in other countries differ from those existing in Ireland."

It may, therefore, be convenient to recapitulate here some of the salient points, even at the risk of tautology.

Notarial contracts. Here, instead of the vast majority of the occupiers of land holding by verbal agreement from year to year, the prevailing system is to hold by long leases, or perpetual assignments, or co-partnership, all under-written engagements as enjoined by law. (See Tenure, B, 2, 3.)

Evictions. Here, instead of liability to eviction being incurred on the expiration of annual periods, the law expressly provides that in all continuing tenures final eviction shall be postponed for three years; and although under the Ionian law the tenant was subject to arrest for non-payment of rent after the expiration of one year, this power having now been abrogated, provisional eviction only is incurred in such cases, after the lapse of one year and two months' grace, the tenant retaining the right to redeem within the three years aforesaid. (See Evictions.)

Improvements. Here, instead of tenants being "evicted without any compensation for their improvements," the law declares that on all such occasions, and under whatsoever circumstances the tenancy may determine, the increased value of the property, whether arising from buildings or cultivation, shall be duly appraised and compensated. (See Improvements.)

Rents. As regards "rents raised at the discretion of the landlord," various counteracting agencies have been already adverted to, whereby, independently of a long term of lease at a stipulated rent, the customary usage in such cases, although not specifically enjoined, constitutes the guiding principle on such occasions. (See Rent, 2.)

It should be added that amid all the differences which have occurred here, the amount of rent has never been brought under discussion, but only the means of recovery.

Agrarianism. Nor should some mention be omitted of another point of contrast here, agrarian crime being absolutely unknown in the one case while rampant in the other.

(Q. 2. What is the mode of cultivation by these tenants; and in what respect, as regards cultivation of their farms, employment of labour, mode and standard of living, solvency, independence, and general circumstances, and character, are they inferior or superior to the small proprietors?)—See reply B, 1.

(Q. 3. What is the annual rate of increase in the population among tenants as compared with that of small proprietors?)—See reply A, 12.

(Q. 4. Do these tenants or their children emigrate? If so, to what extent; and to what cause is such emigration attributed?)—There is no emigration of the agricultural classes from hence. (See A, 9.)

Public opinion. 5. The prevalent public opinion as to any of the special points adverted to under Class B, may be sectionally divided in conformity with the respective headings.

As to Tenure.

(1.) The perpetual sub-division of tenant-holdings, though retained under on management, is often very objectionable.

(2.) The nature of the tenure is of a complicated character, convenient to the non-resident landlord, but detrimental to him in other respects.

(3.) The system of notarial agreements is equitable and satisfactory. On the other hand the limitation of period in the case of parol agreements and lapsed leases, has a tendency to prevent continuing tenancies at will, as not available from year to year.

4. Registration being thus simultaneously effected, further trouble and expense are thereby avoided.

(5.) The tenant's right to remain in occupation of his holding for the space of three years without liability to eviction for non-payment of rent was only tolerable under the alternative pressure of arrest in the interim. The present substitute of provisional eviction has been adopted under proprietary suggestion as a palliative, and may be considered to have the desired effect of impressing the defaulter with the consequences of non-payment, and of thus vindicating the authority of the law, which he could only be tempted to despise from protracted delay, to the serious detriment of the landlord, and the encouragement of such default.

(6.) The right now conferred upon all tenants to alienate their interest in the holding without restrictions must prove highly detrimental to the landlord, and a fertile source of annoyance.

As to Rent.

(1.) No difficulties are experienced on either side as to the mode of payment in money or kind.

(2.) The terms are subject to no control beyond local usage, but the returns are calculated to afford a fair average profit to the holder; who, in long leases, is sufficiently guaranteed against occasional losses; and in portion tenure, only suffers proportionally, if at all, in common with the landlord. The payment of rent at produce periods is mutually convenient to landlord and tenant.

(3.) Although the landlord's unlimited power of raising the rent is only indirectly counteracted, no inconvenience has arisen therefrom. Moreover, any tenant dissatisfied with his agreement can throw it up whenever he pleases, by abstaining from paying the stipulated rent. On the other hand, the landlord's power of eviction is restricted to extreme cases.

(4.) Any legal means of procedure for the recovery of rent would be considered objectionable to tenants; but provisional eviction has been deemed less obnoxious to them than the previous power of arrest, which the landlords, however, considered more efficacious.

As to Evictions.

(1.) The legal means of eviction offers a reasonable opportunity to the tenant to substantiate his rights. The power to redeem, if provisionally evicted, is also in his favour.

(2.) Such evictions having been of rare occurrence, and limited to gross infractions, have not been stigmatized by public censure.

As to Improvements.

(1.) The tenant's means of executing improvements are small, and he has no facility for raising loans on advantageous terms.

(2.) The tenant's security for any such investments is amply provided for.

(3.) The landlord's responsibility for the same, when available to his benefit, has been recognized by Ionian and Hellenic Law as strictly equitable, under whatever circumstances the property may revert to the former, and has never been questioned here.

(4.) The legal definitions in this respect are precise and positive.

(5.) An Agrarian Bank has been considered a desideratum, as enabling tenants to avail themselves of the facilities conferred by law for purchase and redemption.

(6.) The creation of freeholds has been encouraged to some extent under the new rural property law, as already shown in the introductory Report upon land occupation; being rendered compulsory upon the landlord at the option of the tenant, or *vice versâ*. Creation of freeholds.

Encouragements of a similar tendency were also held out by the Ionian Legislature to the tenant-holders of ex-feudal property, by conditions of enfranchisemant available at any time to the latter at their discretion, as more fully explained under "copyhold."

The granting of leases in all tenancies has been expressly enjoined by the Ionian Civil Code (Articles 1521, 1630, and 1654), as applicable to the several descriptions of tenure already averted to. (See Tenure, 3.) Leases.

(7.) Hellenic Legislation has not deemed it essential to inquire very closely into the effects of such limitation of proprietary rights, in any of those measures wherein it has seen fit to exercise its prerogative. No compensation to proprietors.

This is aptly illustrated by the manner in which the Chamber, with the power concentrated in its own grasp, recklessly yielded to the instigation of the rural element, by cutting at the root of these proprietary titles, under circumstances of precipitation precluding the possibility of correctly appreciating the tendency of such crafty impetuosity.*

* These circumstances are thus narrated by Sir George Marcoran, then one of the Urban Representatives of Corfu:—

"J'étais présent à ces deux lectures et j'essayai en vain d'obtenir une prolongation du terme. Je quittai alors Athènes, car nous touchions à la fin de la Session, et je ne voyais dans l'adoption du Bill que les inconvénients déjà signalés, bien graves sans doute, mais pas insurmontables. Cependant, le lendemain, *à la troisième lecture*, on y inséra trois clauses nouvelles, convenues entre nos Députés de la campagne, quittant les rangs de l'Opposition pour se faire Ministériels. Par ces clauses, 1, on abolit, sans y rien substituer, les lois Ioniennes, sur l'estimation du fruit des oliviers, toute particulière à notre île; 2, on borna, avec effet rétroactif, la contrainte par corps aux cas prévus par la procédure Hellénique, qui exige le consentement contractuel du débiteur,—ce qui rendait dérisoire la limitation pour nos îles, où le moyen coërcitif était admis *de jure*, sans besoin de Convention spéciale; 3, on suspendit, jusqu'à la promulgation du nouveau Code Civil, qui est encore en état de conception, les lois Ioniennes relatives à la devolution des immeubles. Et à ces clauses, présentant des sujets tout-à-fait indépendants du projet originaire, on donna la qualification *d'additions*, pour voiler, si c'était possible, la flagrante

Public opinion to such concessions.

(8.) Public opinion as to the creation of freeholds at the option of the holders by the redemption of quit-rents, as now provided, can only be so far unfavourable, inasmuch as applicable to long leases (originally for a term of twenty years) where no such power existed before; or to perpetual assignments wherein an express condition to the contrary may have been inserted, as contemplated by the Ionian Civil Code; which otherwise conceded this privilege to the holders.* (Article annexed.)

The granting of leases however, as enjoined by law, applies to all tenancies of long or short duration.

Limited application.

(9.) The new system now in force here has an obvious tendency to increase the number of owners and freeholders; but is hardly likely to prove of extensive application, from the difficulty of raising funds for this purpose, notwithstanding the facilities of effecting such payments by instalments extending over a series of years.

No public aid.

(10.) No other assistance is provided in this respect; nor have the holders, established on allodialized fiefs, frequently exhibited the desire of endeavouring to become proprietors in their own right, during the long period which has elapsed since this privilege was conceded to them in 1827.

Dispersion of land.

(11.) The laws of descent and division in the Ionian Islands manifestly tend to favour the dispersion of land *ad infinitum*, which result has already been sufficiently exemplified under the first heading. (Article 1.)

Copyhold.

The duly tenure which may be considered as bearing an affinity of copyhold, is that connected with certain feudal baronies allodialized in 1825 (as already adverted to under the heading of Tenure, B, 5.); coupled with the condition that, in consideration of the benefits accruing to the feudatories from such unrestricted title of enfranchisement, as well as the renunciation of all Government tribute therefrom, the villeins of those fiefs should become entitled to special privileges and immunities as "contributors" of a rent-charge on the property, free from all reversionary penalties in the case of default or contravention of ancestral usage; not liable to arrest for non-payment of their quit rent or portion rent; nor subject to forfeiture or heriot by death or otherwise; the quondam feudatories having to look to the land alone for their customary dues. (Act No. 67 of 2nd Ionian Parliament, Article 14.)

By other Clauses of the same Act (Articles 10 to 13) the option of redeeming such rent-charge at any future period by freehold purchase on certain specified conditions, was also conferred, as already stated.

Thus such "concessionists" have acquired an indefeasible title of occupancy, which has been gradually approximating to a kind of copyhold tenure and which they can at any time convert into a freehold title.

The new rural property law is specially indulgent towards such ex-feudal contributors, the redeemable value as aforesaid being subject to further deductions† at the charge of the municipality, with the additional facility of effecting payment of such redemptions in ten annual instalments bearing 6 per cent. interest.

Had these tenants the means, as well as the advantage and encouragement they now possess, of purchasing on such easy terms the freehold title of their respective holdings, it would seem scarcely reasonable to doubt that, in the absence of other counteracting

violation de la Charte, d'après laquelle on aurait dû présenter des projets *ad hoc*, les faire imprimer, distribuer, insérer dans l'ordre du jour, et soumettre à la triple discussion. Mais le temps pressait, et la Chambre, écartant toute remarque et protestation contraire, admit d'emblée le projet, qui fut converti en loi.

"Si la simple énonciation ne suffisait à rendre évidents les iniques effets de ces trois clauses, sous le rapport de la garantie de la propriété, on pourrait noter qu'en 1867 on trouva indispensable de faire passer deux lois pour régler, quoique imparfaitement, l'estimation du fruit des oliviers, et l'exercice du droit de dévolution, qui était même admis en Grèce avant l'annexion. Ainsi, quant au sujet de ces deux lois, l'Ile de Corfou a été mise pendant deux années hors la loi."

* 1677. "Nella enfiteusi e nel livello di perpetua durata sarà permisso all'enfiteusa ed al livellario di affrancare il canone o la pensione, pagandone al padrone diretto il capitale corrispondente, che verrà calcolata alla ragione del sei per cento sul canone o sulla pensione, tranne il caso di una speciale convenzione in contrario."

(Translation) "In perpetual leases of rural or urban property, the lessee is at liberty to redeem the quit-rent by paying to the landlord the corresponding capital computed at the rate of 6 per cent. or such quit-rent, unless in the case of special convention to the contrary."

† Cependant la loi ΣΜΑ', après avoir adopté la conversion en valeurs numéraires des seules prestations féodales, ou cens, établies originairement en denrées, abrogeant sommairement toutes les redevances également légitimes; après avoir établi que cette conversion se ferait, avec la déduction (1) d'un quart sur le capital de la prestation ou du cens,—(2) des deux tiers de la taxe que le feudataire payait au Trésor, met à la charge du Gouvernement local, qui a déjà renoncé au droit d'hommage et à la taxe, l'indémnité qu'on trouve juste d'accorder, pour ces deux déductions, aux anciens feudataires. Enfin, les déductions faites, et la rente fixée en numéraire, cette rente peut être rachetée par le contributaire, s'il s'engage à en payer le capital calculé à 6 pour cent au propriétaire respectif, et cela en dix quoteparts annuelles.

influences, a large proportion of the ex-feudal copyholders would become proprietors in their own right, and conflicting tendencies thus bend to the authority of established facts.

But such a solution has hitherto been impeded by the conscious persuasion that, if other property were open to legalized expropriation, so much the more must these titles, considered as emanating from ancient usurpations and encroachments, be the first to be swept away by the invading torrent.

(Signed) SIDNEY SMITH SAUNDERS.

No. 7.

Mr. West to the Earl of Clarendon.—(*Received November* 20.)

My Lord, *Paris, November* 19, 1869.

IN obedience to the instructions contained in your Lordship's Circular despatch of the 26th of August last to Lord Lyons, and conveyed to me by his Excellency, I have the honour to transmit to your Lordship herewith a Report containing information in regard to the laws and customs affecting the tenure of land in France, embodied in answers to the paper of questions inclosed in that despatch.

I have, at the same time, the honour to inclose a list of the books, the purchase of which was necessary for the compilation of this Report, and which was authorized by your Lordship's despatch of the 6th September, and to state that these books will be forwarded by the first opportunity according to the instructions therein contained.

I have, &c.

(Signed) L. S. SACKVILLE WEST.

Inclosure 1 in No. 7.

Report on Tenure of Land in France.

Name of Country.—France.

Population.—France, according to the last census, contains a population of 38,067,094.

Religion.—The Roman Catholic religion is the recognized religion of the State, but the Protestant and Jewish forms of worship also receive State support.

There are 36,300,664 Roman Catholics, 1,591,250 Protestants, and 158,994 Jews. All other sects are tolerated.

LAND OCCUPATION.

(A.) The land is chiefly occupied by small proprietors, who form the great majority throughout the country.*

Property is generally divided into three classes:—

1. Properties averaging 600 acres, numbering about 50,000.
2. Properties of 60 acres, numbering about 2,500,000.
3. Properties of 6 acres, numbering about 5,000,000.

With some rare exceptions, all the great properties have been gradually broken up, and even the first and second classes are now fast merging into the third. To such an extent is this the case, that even at the present moment 75 per cent. of the agricultural labourers in many Departments are proprietors. The parcels of land held by them are oftentimes not more than a rood in extent, intersected by other holdings, and very often separated by considerable distances. This parcelling out of the land, although increasing every day, is to be found prevailing more especially in the Departments of the Côte d'Or, Haute Marne, and Haute Saône.

(B.) The land is also occupied by tenants holding from proprietors, and by "métayers," the nature of which occupation will be explained. But the tenants and metayers are, in many instances, small proprietors themselves, so that it may be said that small properties universally obtain.

(A.)—SMALL PROPRIETORS.

1. In order to give an idea of the distribution of property in the different Departments, I propose to state it as regards each separately:—

Dordogne.—Population, 502,673; area, 1,836,512 acres; cultivated land, 869,906

* See Tables 1 and 2.

acres; grass land, 147,930 acres. Properties of the 1st class, over 248 acres; of the 2nd class, 38 to 248 acres; of the 3rd class, under 38 acres. The first represent one-tenth; the second, four-tenths; and the third, five-tenths of the whole landed property.

Lot et Garonne.—Population, 327,962; area, 1,070,792 acres; cultivated land, 587,270 acres; grass land, 80,524 acres. Properties of the 1st class, over 124 acres; of the 2nd class, over 38 acres; of the 3rd class, under 38 acres. The first represent two-tenths; the second and third, eight-tenths of the whole landed property.

Gironde.—Population, 701,855; area, 1,860,876 acres (wood not included); cultivated land, 1,261,974 acres; grass land, 156,652 acres. Properties of the 1st class, 268 acres; of the 2nd class, 20 to 80 acres; of the third class, over 6 acres.

Orne.—Population, 414,618; area, 1,220,138 acres; cultivated land, 675,666 acres; grass land, 261,704 acres. Properties of the 1st class, 3 per cent.; of the 2nd class, 25 per cent.; of the 3rd class, 72 per cent. of the whole landed property.

Mayenne.—Population, 367,855; area, 1,034,114 acres; cultivated land, 708,160 acres; grass land, 145,970 acres. Properties of the 1st class, 240 acres; of the 2nd class, 40 acres; of the 3rd class, under 40 acres.

Sarthe.—Population, 463,619; area, 1,241,186 acres; cultivated land, 810,972 acres; grass land, 126,992 acres. Properties of the 1st class, 60 to 100 acres, form 2 per cent. of the whole; of the 2nd class, 30 to 60 acres, form 48 per cent. of the whole; of the 3rd class, under 30 acres, form 50 per cent. of the whole.

Maine et Loire.—Population, 532,325; area, 1,437,624 acres; cultivated land, 791,080 acres; grass land, 215,640 acres. Properties of the 1st class, 100 to 200 acres, form 2 per cent. of the whole; of the 2nd class, 40 to 100 acres, form 17 per cent. of the whole; of the 3rd class, under 10 acres, form 81 per cent. of the whole.

La Manche.—Population, 573,899; area, 1,187,552 acres; cultivated land, 760,830 acres; grass land, 188,112 acres. Properties of the 1st class, 80 acres; of the 2nd class, 24 to 80 acres; of the 3rd class, under 24 acres.

Calvados.—Population, 474,909; area, 1,104,144 acres; cultivated land, 626,276 acres; grass land, 240,626 acres. Properties of the 1st class, 100 acres; of the 2nd class, 40 to 100 acres; of the 3rd class, under 40 acres.

Eure.—Population, 394,467; area, 1,193,054 acres; cultivated land, 754,986 acres; grass land, 52,632 acres. Properties of the 1st class, 200 acres; of the 2nd class, 60 to 100 acres; of the 3rd class, under 60 acres.

Cher.—Population, 336,613; area, 1,365,418 acres; cultivated land, 818,078 acres; grass land, 148,626 acres. Properties of the 1st class, 160 acres; of the 2nd class, 40 to 160 acres; of the 3rd class, under 40 acres.

Indre et Loire.—Population, 325,193; area, 1,222,740 acres; cultivated land, one-fourth corn, one-fourth other grain, one-fourth grass land. Properties of the 1st class, 600 acres; of the 2nd class, 60 to 200 acres; of the 3rd class, 40 to 60 acres. There are in this Department small plots of two acres.

Loir et Cher.—Population, 275,757; area, 1,270,184 acres. Properties of the 1st class, 160 acres; of the 2nd class, 30 to 160 acres; of the 3rd class, under 30 acres.

Eure et Loir.—Population, 290,753; area, 1,174,860 acres; cultivated land, 953,910 acres; grass land, 35,206 acres. Properties of the 1st class, 200 acres; of the 2nd class, 40 to 200 acres; of the 3rd class, under 40 acres, respectively 3 per cent., 17 per cent., and 80 per cent. of the whole land.

Seine et Marne.—Population, 354,400; area, 1,140,000 acres; cultivated land, 818,750 acres; grass land, 62,198 acres. Properties of the 1st class, 200 acres; of the 2nd class, 40 to 200 acres; of the 3rd class, under 40 acres.

Seine et Oise.—Population, 533,727; area, 1,120,674 acres; cultivated land, 431,870 acres; grass meadows (natural), 38,008 acres; ditto (artificial), 116,798 acres. Properties of the 1st class, 300 acres; of the 2nd class, 160 acres; of the 3rd class, 40 acres.

Seine.—Population, 2,150,916; area, 95,100 acres; cultivated land, 58,564 acres; grass land, 3,086 acres. Properties of the 1st class, 100 acres; of the 2nd class, 20 to 100 acres; of the 3rd class, 2 to 20 acres.

Basses Alpes.—Population, 143,008; area, 1,390,838 acres. In this rocky and unproductive Department the holdings are generally from 30 to 40 acres.

Var and Alpes Maritimes.—Population (Var), 308,550; area (Var), 1,445,220 acres. Population (Alpes Maritimes), 198,818. Properties of the 1st class, 40 to 100 acres (properties of this class are rare); of the 2nd class, 10 to 40 acres; of the 3rd class, under 10 acres. The first two classes form four-tenths, and the third six-tenths of the whole land.

Doubs.—Population, 298,072; area, 1,045,510 acres; land cultivated, 200,448 acres,

of which 40 per cent. is grass. Properties of the 1st class, ½ per cent. of the whole land; of the 2nd class, 40 to 60 acres; of the 3rd class, 2 to 20 acres, forming seven-tenths of the whole.

Vosges.—Population, 418,998; area, 1,215,992 acres; cultivated land, 108,126 acres. Properties of the 1st class, 20 acres; of the 2nd class, 4 to 20 acres; of the 3rd class, under 1 acre, forming 73 per cent. of the whole landed property.

Haute Saône.—Population, 317,706; area, 1,067,984 acres; cultivated land, 323,618 acres, one-ninth of which is grass land. In the Arrondissement of Lure properties of the 1st class form ½ per cent., of the 2nd class 39 per cent., and of the 3rd class 60 per cent. of the whole landed property.

Basses Pyrénées.—Population, 435,486; area, 1,524,532 acres. Properties of the 1st class, 100 acres; of the 2nd class, 20 to 100 acres; of the 3rd class, under 20 acres.

Hautes Pyrénées.—Population, 240,252; area, 830,000 acres, of which one-fourth is arable land and one-ninth pasture. Properties of the 1st class, 80 acres; of the 2nd class, 20 to 80 acres; of the 3rd class, under 20 acres. The last class forms 94 per cent. of the whole landed property.

Landes.—Population, 306,693; area, 1,866,000 acres; cultivated land, 410,000 acres. Properties of the 1st class, 200 acres; of the 2nd class, 80 to 200 acres; of the 3rd class, under 80 acres.

Aisne.—Population, 565,025; area, 1,467,488 acres; cultivated land, 585,368 acres; grass land, 114,804. Properties of the 1st class, over 200 acres; of the 2nd class, 40 to 200 acres; of the 3rd class, under 40 acres.

Pas de Calais.—Population, 749,777; area, 1,321,126 acres; cultivated land, 711,707 acres; grass land, 206,012 acres. Properties of the 1st class, over 200 acres; of the 2nd class, 40 to 200 acres; of the 3rd class, under 40 acres.

Nord.—Population, 1,392,041; area, 1,136,074 acres; cultivated land, 625,034 acres; grass land, 180,808 acres.

Arrondissement of Lille.—Properties of the 1st class, over 20 acres; of the 2nd class, 6 to 20 acres; of the 3rd class, under 6 acres.

Arrondissement of Dunquerque.—Properties of the 1st class, over 100 acres; of the 2nd class, 26 to 100 acres; of the 3rd class, under 24 acres.

Arrondissement of Hazebrouck.—Properties of the 1st class, over 160 acres; of the 2nd class, 20 to 80 acres; of the 3rd class, under 20 acres.

Arrondissement of Avesnes.—Properties of the 1st class, over 100 acres; of the 2nd class, 40 to 100 acres; of the 3rd class, 10 to 40 acres.

Arrondissement of Cambrai.—Properties of the 1st class, over 200 acres; of the 2nd class, 160 to 200 acres; of the 3rd class, over 80 acres.

Arrondissement of Valenciennes.—Properties of the 1st class, over 200 acres; of the 2nd class, 30 to 200 acres; of the 3rd class, under 30 acres.

Somme.—Population, 572,640; area, 1,190,874 acres; cultivated land, 287,800 acres, (in the Arrondissement of Amiens). Properties of the 1st class, over 120 acres; of the 2nd class, 20 to 30 acres; of the 3rd class, under 20 acres.

Oise.—Population, 401,274; area, 1,058,984 acres; cultivated land, 824,700 acres; grass land, 56,414 acres. Properties of the 1st class, over 200 acres; of the 2nd class, 60 to 200 acres; of the 3rd class, under 60 acres.

Seine Inférieure.—Population, 792,768; area, 1,121,236 acres; cultivated land, 754,030 acres; grass land, 229,276 acres. Properties of the 1st class, over 100 acres; of the 2nd class, 20 to 100 acres; of the 3rd class, under 20 acres.

Morbihan. — Population, 501,084; area, 1,375,562 acres; cultivated land, 493,382 acres; grass land, 127,178 acres. Properties of the three classes vary considerably in this Department. The 3rd class prevails generally, and consists of from 2 to 40 acres.

Finistère.—Population, 662,845; area, 1,334,000 acres; cultivated land and grass-land, 1,000,000 acres. Properties vary in extent also in this Department. The average of the extent of the 1st class is, however, over 100 acres, and that of the 3rd class from 1 to 30 acres.

Côtes du Nord.—Population, 641,210; area, 1,375,200; cultivated land, 910,000 acres; grass land, 114,000 acres. Properties of the 1st class, 80 to 150 acres; of the 2nd class; 30 to 80 acres; of the 3rd class, 12 to 30 acres. This is the highest average.

Ille et Villaine.—Population, 592,609; area, 1,345,472 acres; cultivated land, 792,408 acres; grass land, 145,800 acres. Properties of the 1st class, over 200 acres; of the 2nd, 50 to 60 acres; of the 3rd class, 10 to 30 acres. This is the highest average.

Haute Marne.—Population, 259.096; area, 1,243,936 acres; cultivated land, nine-

tenths; grass land, one-tenth. Properties of the 1st class, over 60 acres; of the 2nd class, 20 to 60 acres; of the 3rd class, over 10 acres.

Côte d'Or.—Population, 382,762; area (total), 1,752,239 acres. Arrondissement of Dijon:—Cultivated land, about one-sixth; grass land, about one-third. Properties of the 1st class, 200 acres; of the 2nd class, 40 to 200 acres; of the 3rd class, under 40 acres. The other Arrondissements show much the same conditions of property.

Saône et Loire.—Population, 600,006; area, 1,712,000 acres. Arrondissement of Macon:—Cultivated land under crops, about 60 per cent.; grass land, 14 per cent. Properties of the 1st class, 40 acres; of the 2nd class, 10 to 20 acres; of the 3rd class, under 10 acres. The last class comprises 90 per cent. of the whole landed property. Arrondisement of Charolles:—In this Arrondissement properties may be found of from 300 acres and upwards.

Bas Rhin and Haut Rhin.—Population (Bas Rhin), 588,970; (Haut Rhin), 530,285; area (Bas Rhin), 910,690 acres; (Haut Rhin), 821,542 acres; cultivated land, 62·95 per cent. of the area of the Bas Rhin, and 64 per cent. of the area of the Haut Rhin.

There are in the Haut Rhin from 36,000 to 40,000 acres of pasturage. The arable culture and grass land form half the area of the two Departments—57 per cent. of the Bas Rhin, and 54·69 of the Haut Rhin. Properties of from 6 to 80 acres form a fifth of the area of the Haut Rhin. The remaining portion consists of properties of between 8 and 14 acres. In the Bas Rhin, property is also much divided. Properties of 8 acres form 70 per cent. of the whole area.

Meuse.—Population, 301,653. The statistical information respecting this Department is not so complete as that respecting others. Property, however, appears to be even more divided. Small properties are frequently under one acre in extent, and few exceed 10 acres.

Ardennes.—Population, 326,864; area, 1,046,578 acres; cultivated land (grass included), 1,032,210 acres; meadow land forms a sixth part of the land under culture. Properties of the 1st class, 100 acres; of the 2nd class, 40 to 100 acres; of the 3rd class, under 40 acres.

Moselle.—Population, 452,157; area, 940,724 acres; cultivated land, 612,036 acres; grass land, 94,404 acres. Properties of the 1st class, 120 acres; of the 2nd class, 30 to 120 acres; of the 3rd class, under 30 acres.

Meurthe.—Population, 428,387; area, 1,218,008 acres; cultivated corn land, 33 per cent.; grass land, 8 per cent. Properties of the 1st class, 140 acres; of the 2nd class, 30 to 140 acres; of the 3rd class, under 15 acres.

Loiret.—Population, 357,110; area, 1,354,238 acres.

Aude.—Population, 261,951; area, 1,200,278 acres.

Marne.—Population, 390,809; area, 1,636,088 acres.

Yonne.—Population, 372,589; area, 1,485,608 acres. Small properties prevail in each of the four last-named Departments. Detailed information is confused.

Indre.—Population, 277,864; area, 1,359,060 acres. In this Department large properties of several thousand are not uncommon.

Creuse.—Population, 274,057; area, 1,113,660 acres. Small properties form seven-tenths of the whole landed property.

Vienne.—Population, 324,527; area, 1,394,074 acres. Properties of the 1st class, under 800 acres; of the 2nd class, under 100 acres; of the 3rd class, under 20 acres; the last forming five-twentieths of the whole.

Allier.—Population, 376,164; area, 1,461,674 acres; arable land, 872,762 acres; grass land, 95,242 acres. Small properties under 4 acres prevail.

Puy de Dôme.—Population, 571,690; area, 1,590,102 acres; arable land, 754,460 acres; grass land, 391,356 acres. Property is very much divided. In the plains there are thousands of properties under an acre in extent.

Nièvre.—Population, 342,773; area, 1,363,312 acres; arable land, 641,814 acres; grass land. 182,180. Large properties prevail.

Hautes Alpes.—Population, 122,117; area, 1,117,922 acres; arable land, 194,000 acres; grass land, 480,000 acres. Properties of the 1st class, under 50 acres; of the 2nd class, 20 to 50 acres; of the 3rd class, under 10 acres.

Haute Savoie.—Area, 857,674 acres; corn land forms two-thirds of the land under cultivation; grass land, one-third, and natural pastures, one-sixth. Properties of the 1st class, under 80 acres; of the 2nd class, 16 to 80 acres; of the 3rd class, under 16 acres.

Savoie.—Population, 271,663; area, 1,182,000 acres; corn land, 122,600 acres; grass land, 40,000 acres. Properties of the 1st class, under 40 acres; of the 2nd class, 20 to 40 acres; of the 3rd class, under 20 acres.

Isère.—Population, 581,386 ; area, 1,657,868 acres; corn land, 443,400 acres; grass land, 130,000 acres. Population of the 1st class, under 60 acres; of the 2nd class, under 30 acres; of the 3rd class, under 10 acres.

Vaucluse.—Population, 266,091; area, 709,542 acres; corn land, 144,318 acres; grass land, 10 per cent. of the arable land. Properties of the 1st class, under 80 acres; of the 2nd class, from 6 to 80 acres; of the 3rd class, under 6 acres.

Drôme.—Population, 324,231 ; area, 1,304,310 acres. Small properties prevail.

Ardêche.—Population, 387,174; area, 1,105,330 acres. Properties of the 1st class are found chiefly in the high lands, and are from 30 to 40 acres in extent. Small properties prevail.

Gard.—Population, 429,747; area, 1,167,112 acres; arable land, 283,210 acres; grass land, 25,328 acres. Properties of the 1st class, under 100 acres; of the 2nd class, 10 to 50 acres; of the 3rd class, under 10 acres.

Hérault.—Population, 427,245; area, 1,239,600 acres; cultivated land, 602,594 acres; grass land, 73,546 acres. Small properties prevail.

Bouches du Rhône.—Population, 547,903; area, 1,020,974 acres; corn land, 222,996 acres; grass land, 17,144 acres. Properties of the 1st class, 200 acres; of the 2nd class, over 60 acres; of the 3rd class, under 60 acres.

Cantal.—Population, 237,994; area, 1,148,294 acres.

Haute Loire.—Population, 312,661; area, 992,450 acres.

Lozère.—Population, 137,263; area, 1,033,946 acres.

Corrèze.—Population, 310,843 ; area, 1,173,218 acres. In the four last named Departments the small proprietors prevail, but precise details are wanting.

Lot.—Population, 288,919; area, 1,042,348 acres. Properties of the 1st class, 30 to 120 acres; of the 2nd class, uncertain ; of the 3rd class, generally very small.

Aveyron.—Population, 400,070 ; area, 1,748,666 acres. Properties of the 1st class, under 180 acres; of the 2nd class, 50 to 180 acres; of the 3rd class, under 50 acres; or three-sixths of the whole landed property.

Tarn.—Population, 355,513 ; area, 1,148,432 acres. The 1st, 2nd, and 3rd classes bear the respective proportions of 10, 40, and 50 per cent. of the whole landed property.

There remain sixteen Departments, the distribution of property in which has not been ascertained. There is no reason, however, to suppose that, on an avarage, it varies much from the foregoing classification.

As a general rule, the smaller the properties the more liable they are to be intersected ; and where small plots of land prevail this is almost invariably the case.

2. *Articles 718 to 892 of the "Code Napoléon"* regulate the descent and division of landed property upon the death of the owner. As it would occupy too much space to give a full translation of these Articles in this place, I shall merely give a short analysis of the principal provisions of the law :—

Article 745 provides for the equal distribution of the property of the deceased among his children without distinction of age or sex. In default of children, the succession reverts to the brothers, sisters, and their children in portions defined by the law ; and in default of the collateral branches, to relations as far as the twelfth degree, where the law of succession stops (Article 748). Article 756 provides for natural children, and Article 767 for the wife (in case of no succession), and for the rights of the State.

A testator is not, however, obliged to leave his successors the whole of his fortune. He can, if he so wishes, bequeath to whomsoever he may appoint one-fourth if he has three children, one-third if he has two children or their descendants, and one-half if he has only one child. If he has relations on both the father's and the mother's side he cannot alienate more than one-third ; if on one side only, he can dispose of three-fourths (Articles 913, 919). An heir is at liberty to accept or decline a succession. This is determined in the case of acceptance or renunciation by Articles 774 to 792. Property is divided according to the provisions made by the law among all those claiming the right of succession (Articles 815 to 892). In fact these provisions, in all the details appertaining to succession, are so precise that a translation of each Article would be found necessary to explain minor points. I presume, however, that it is sought to obtain by these queries at once an idea of the law regulating the descent of the landed property, and it will be seen from the above that it starts upon the principle of its equal distribution, and it maintains this principle in all its provisions.

3. When the succession is established, the Notary (Notaire) proceeds to draw up all necessary acts. In the case of sale or exchange such acts must be duly witnessed, after having been signed by the contracting parties. In such cases a simple registration is not sufficient. The acts must be "authentiqués et notariés," and the originals must be deposited with the Notary. The succession duty varies according to degree from 1 to 9 per cent., and the legal charges average 1 per cent.

In cases of simple purchase the Notary prepares the necessary deeds, which are duly signed and attested by the parties interested. The registration fees amount to 5 per cent., and the legal charges to 1 to 2 per cent.; and they are paid by the purchaser unless it is stated otherwise in the contract of sale. The process is simple and expeditious, but, as may be imagined, the expenses are considerable, and doubtless very much impede the sale and transfer of land.

4. The facilities afforded for raising loans for purposes of agricultural improvements are not as great as are required. The "Crédit Agricole" is the only establishment which carries on operations of this kind to any extent. Since 1866 it has discounted to the amount of 40,000,000*l.*, and has advanced 2,480,000*l.* on agricultural produce and real property. Its commission varies from $\frac{1}{2}$ to 1 per cent., but the rate of interest depends upon the risk and uncertainty of the guarantees. It averages, however, from 5 to 6 per cent. But owing to the nature of these transactions, which are not as regular as commercial ones, the Bank of France, though not refusing, does not facilitate what is termed "papier agricole." There are banks and societies in some Departments, more or less in connection with the "Crédit Agricole," which carry on operations on a smaller scale, and from which the small proprietors derive great benefit.

Loans are raised generally for the purpose of purchasing contiguous plots of land. In some cases for the paying off in money the value of the portion of land accruing to co-heirs in order to avoid its division.

5. There is no very recent information respecting the amount to which rural property is mortgaged in France, but I find it is estimated that there is an annual average charge upon it of 6,000,000*l.*, or 10 per cent. on its net revenue, calculating the usual rate of interest at 6 per cent. What is termed the "régime hypothécaire" does not appear calculated to inspire confidence. The guarantees are not sufficient to induce mortgages on landed property. The small proprietor, therefore, has recourse to raising loans from local bankers on effects, which are discounted at 10 and even 15 per cent. The division of property, and the existence of a large number of small proprietors, are not conditions favourable to the system of mortgage prevailing in England and other countries, where large hereditary estates exist. On the subject of the mortgage debt M. de Lavergne says, "The last documents published set the amount of the registered debt at about 560,000,000*l.*, but this sum is reduced to 320,000,000*l.* pour tenir compte des doubles emplois." "Property ('propriétés foncières') being valued by the Finance Department at 3,200,000,000*l.* (80,000,000,000 francs) there would be an average debt of 10 per cent. This proportion," says M. Lavergne, "is less than in England, and it loses, moreover, some of its importance, since it is distributed over town and country property. The Department of the Seine is alone burdened with a tenth of the registered debt, and five-tenths at least must be put to other towns. Upon 1,200,000,000*l.* (30,000,000,000 francs) house property, the debt appears to amount to 220,000,000*l.* (5,500,000,000 francs), or 18 per cent.; and upon 2,000,000,000*l.* (or 50,000,000,000 francs) landed property, to 100,000,000*l.* or 2,500,000,000 francs, or 5 per cent.

6. The legal method of registering mortgages is very simple. In every Arrondissement a register is kept, in which all mortgages must be entered with full particulars. A Government functionary called "Conservateur des Hypothèques," superintends all matters relating to the registry. The register is public, and the "Conservateur" is obliged to furnish extracts, when required ("notices écrites"), to any one. The cost of registration for a mortgage averages from 25*s.* to 35*s.*, and a charge of 10*d.* a page is made for extracts. The "Conservateurs" are responsible for the correctness of extracts given.

7. Agricultural produce is classed as follows:*—1st, cereals and other alimentary produce: 2nd, industrial cultivation ("cultures industrielles"); 3rd, vines; 4th, fruit; 5th, pasture and cattle. Under the heads cereals and industrial cultivation are comprised every species of grain and vegetable crop, hemp, flax, hops, madder, beet-root, and other roots, tobacco, and the silk produce. It is only in the Departments where what is termed the "grande culture" exists, that any fixed rotation of cropping is adhered to. In such cases the system termed "assolement alterne" is generally followed, and is the most approved, but the biennial and triennial prevail in many districts. A succession of straw crops is of frequent occurrence. The small proprietor will, however, cultivate according to the locality, climate, and circumstances of his land occupation; and as these vary in almost every Department, no general rule can be laid down. Again, as regards the breeding and raising of stock, on small properties no precise information can be given, as their extent does not admit of it. Except on large farms, which are an exception, stock would rather embarrass than benefit the proprietor. He purchases, as occasion offers, what he requires from the cattle-breeding districts, and what his plot of land can support. On the other hand, in the Departments composed almost exclusively of pasture land, 1,500 cows may be

* See Tables 3, 4, and 5.

found upon 2,000 acres. A want of stock in proportion to the land under cultivation naturally prevails, therefore, in many districts, although the number of cattle has increased and is increasing.

8. The Agricultural Associations do all in their power to promote the employment of machinery in the cultivation of the land, and it appears that its use is becoming daily more common.* Threshing-machines are the most general. In 1856 there were 51,000; and since that period the number has greatly increased. Mowing- and reaping-machines are less common. In the Southern Departments machinery is little used. The nature of the cultivation does not admit of its employment. Great extension would be given to its general use if the duties were lowered or abolished. What is termed the hired labourer in England corresponds in France to the "valet de ferme," or farm servant. They live under the same roof, and eat with the master, and, in fact, form part of his family. They are, however, comparatively few in number. Their wages now average from 10*l.* to 12*l.* a-year for men, and from 5*l.* to 7*l.* for women, lodged and fed at a cost of about 10*l.* a-year per head. The day-labourer ("journalier") receives from 1*s.* to 2*s.* per day, and women from 6*d.* to 1*s.* They are fed at a cost of about 8*d.* a head per day. Female labour is much employed, more especially in the Northern Departments, and this would seem to be a natural consequence of small holdings. On an average, the wages of the female labourer are one-half those of the male. It is quite impossible to state the average number of labourers to an acre, but it is quite certain that agricultural labour is generally deficient throughout France. The migration of the country population to the great towns is daily increasing. This deficiency and the vast municipal improvements undertaken of late years have produced a rise of wages the towns which attracts the peasant, and thus increases the evil so far as land is concerned. The wages of the agricultural labourer, as distinguished from the farm servant, have, in consequence of this migration to the towns, increased considerably; and he can now earn on an average 2*s.* 6*d.* and 3*s.* per day—in some districts much more. It may be said that the wages of the day labourer have increased one-third, and those of the farm servants one-half within the last thirty years; the rate of increase varies considerably, but I should suppose that, on an average, it may be taken at one-half for the whole country.

9. The French agricultural labourer, or, it may be, small proprietor, does not emigrate to foreign countries. If he is a small proprietor, he will seldom move even from his native place. The agricultural population, as has been stated above, migrate to the great towns for the reasons assigned, but there is no tendency to emigration from France.

10. They will generally be found living on and cultivating their properties. Where the excessive division of the land is common, they will be found in villages or in habitations contiguous to one another.

11. Their condition of life depends very much, of course, upon the local circumstances of their tenure of land, the facility of communication, and consequent price of provisions.

It will be found as a general rule that the small proprietor accommodates himself to the circumstances of the locality which he inhabits, and that his standard of living is generally such as to show that he is, if not always contented, at least comfortable.

12. The average population of small proprietors to the acre can scarcely be fixed.†

There are, according to M. Lavergne, 500,000 farmers, 500,000 métayers, and 2,000,000 day-labourers and servants, most of them small proprietors, besides 2,000,000 of independent proprietors. He calculates that scarcely one-sixth are not proprietors. This population may be said to cultivate or live upon 50,000,000 acres of land. Its density must, however, vary to such extent that it is impossible to draw any conclusions from it. The annual average rate of increase of the population in France has been less than in any other State of Europe. Official statistics show that during a period of twenty-five years, 1836-61, the rural population has undergone a diminution of 1·18 per cent., while that of the towns has contantly increased. In 1846 the proportion of the rural population was 75·78 per cent. and that of the urban 24·22 per cent. In 1861 the proportion was, rural 71·14, and urban 28·26 per cent., and this ratio has not greatly varied since. The decrease in the number of children in the families of the peasantry is a fact fully established by the "Enquête Agricole," and it is generally remarked by those to whom questions on this subject were put, that there is a progressive tendency to diminution of fecundity in the families of the agricultural population. The labourer who has become a proprietor fears that his plot of land would be too much divided if he had a numerous family. He calculates, also, more than formerly the expenses which he must incur in bringing up his children, and the uncertainty (should he have them) of their

* See Table 6.

† See Table 7.

remaining with him when grown up, to assist him. Where families of seven or eight children were commonly to be met with in France, they now consist of two or three, or, perhaps, only one child. As compared with other countries, therefore, it may be said that the rural population of France is diminishing; for it is only when taken together with the urban population, that even a general rate of increase can at all be established.

13. The prevalent public opinion as to the advantages or disadvantages of the tenure of land by small proprietors is decidedly that it has been advantageous to the production of the soil, and has tended to the improvement of the material condition of the agricultural population. In the Report which accompanies the "Enquête Agricole," it is stated that "au point de vue de la production il est hors de doute que la diffusion de la propriété a été favorable. Le cultivateur qui cultive pour lui-même cultive mieux que le salarié pour celui qui le paye, et des soins plus assidus assurent des produits plus abondants;" and with respect to the condition of the cultivator, "Il résulte des recherches faites par les Commissions d'Enquête qu'aucun signe extérieur n'accuse de gêne plus grande que jadis chez les cultivateurs. Loin de là l'immense majorité des déposants a reconnu que toutes les conditions de la vie du cultivateur s'étaient améliorées universellement et dans une proportion notable. Logement, nourriture, vêtements, tout dans ses habitudes démontre un bien-être inconnu il y a trente ans." Again, M. de Lavergne says, "Les provinces même en 1788 les plus divisées étaient comme aujourd'hui les mieux cultivées, . . . et on peut dire en règle générale qu'avant comme après 1789, le progrès agricole a marché en France avec la division; pourvu," he adds, "qu'elle fût naturelle et volontaire:" for, he says (speaking of the forcible division), "elle serait plus sure d'elle-même, plus entreprenante, si elle n'avait pas subi un pareil choc."

There is another advantage attributed to the division of property and to the existence in a country of a number of small proprietors. It is said that such a condition of property conduces to political as well as social order, because the greater the number of proprietors, the greater is the guarantee for the respect of property, and the less likely are the masses to nourish revolutionary and subversive designs. The Report says on this subject, "On ne peut que se féliciter de ce resultat" (speaking of the increase of small proprietors); "c'est à la fois la preuve d'un immense bien-être, et un gage de sécurité pour la société." I have heard this argument strongly insisted upon.

On the other hand, it is distinctly stated in the Report as the opinion of nearly all those examined on the subject, that the tendency which seems everywhere manifest to an increasing division of the land is attended with decided disadvantages:—

"De l'excès du morcellement résultent des pertes de temps et de forces, des entraves au choix de l'assolement et à la liberté des cultures, des procès fréquents entre propriétaires contigus. Ce mal est très vivement senti, et cependant le morcellement, loin de s'arrêter, augmente chaque jour." Further, M. de Lavergne, in speaking of the increasing division in the Department of Lozère, says, "On est là bien près de l'idéal des philosophes égalitaires; les communistes eux-mêmes pourraient trouver la satisfaction de leurs théories, puisqu'un cinquième environ du sol est possédé en commun. Qu'en est-il résulté? Une indigence universelle." He is, however, not in favour of any change in the law of succession, which has undoubtedly led to the evil he complains of; for he says, "L'inconvénient réel dans la loi de succession est dans la division indéfinie des petites propriétés. Ici une modification de la loi est à peine nécessaire. Il suffit de l'usage, de la jurisprudence, et du bon sens pour atténuer beaucoup le mal." The conclusion, therefore, to be arrived at is, that the division of the land has been attended with great benefit, both as regards the production of the soil and the condition of the rural population; but that at the same time an unlimited partition of the small properties as they already exist would destroy this benefit, and be productive of serious evil.

(B.)—Tenants and Sub-Tenants under Landlords.

Tenure.

1. It is impossible to fix an average of the number of acres which a tenant, properly speaking, farms. In many cases he will be found to be a proprietor himself, who, having amassed a certain amount of capital, undertakes to farm ("exploiter") an adjoining property.

Generally speaking, the division of property naturally does not admit of large farms except in some of the purely agricultural departments, and then they partake more of the character of experimental farms. M. Chateauvieux (vol. i, p. 128), writing in 1846, estimates the number of acres farmed by tenant farmers at 16,940,000, against 70,000,000 cultivated by proprietors and "métayers."

2. The nature of the lease is laid down by Articles 1,763 to 1,788 of the Code Civil.

The extent of the lease varies from one year to thirty years, according to the quantity of land, the mode of cultivation, and the custom of the Department. The tenant has a right to sub-let his farm, unless the terms of his lease forbid it. (Article 1,717, Code Civil.) In the case of sub-letting the original tenant is responsible.

3. A lease can be made either by writing or by verbal agreement. (Article 1,714.) If there is no written contract the duration of the lease depends upon custom. If a dispute arises as to rent, arbitration is resorted to, and the tribunals decide. (Articles 1715, 1716.)

4. A written lease may be registered, but its registration is not compulsory. If the lease be not registered the tribunals will not take cognizance of it until it is registered in case of any dispute. The registration fee varies from $\frac{1}{4}$ to 1 per cent., and is calculated on the net amount accruing from the duration of the lease.

5. So long as the tenant pays his rent and fulfils the conditions of his lease the landlord cannot interfere with him. No law or custom can alter the contract. In the case, however, of what is termed "dommages par cas fortuits ou force majeure," he has the right to demand a reduction of rent. (Article 1769.)

6. The tenant has the right to sell his interest in his farm unless his lease forbids his so doing. Almost every lease, however, stipulates that he shall neither sub-let his farm or sell his interest in it without the consent of the landlord. (Article 1717.)

7. This kind of tenure is unknown in France. The Revolution of 1789 liberated the land by numerous enactments which abolished every species of tenure bearing such a character. With the exception of the "Impôt Foncier," which is voted annually in the Budget, there is no charge upon land, and fixed rents or services, which by custom might render a tenant irremovable are unknown.

Article 530 of the Code Civil provides even against fixed charges upon landed property arising from sale under certain conditions.

Rent.

1. Payment is made generally by a fixed amount in money. Payment in kind prevails in some Departments; this system is gradually disappearing. Payment by share of the produce constitutes what is called the "métairie" system. In the "Code Civil" the "métayer" is called "colon partiaire." He is a tenant who pays no rent in money, but gives to his proprietors a certain portion of the produce of the land which he farms. Formerly it was one half. In fact it is a system by which the proprietor gives his land, and the "métayer" his labour and the cultivation, for which, if either fail him, he can claim no compensation. The system is becoming less and less resorted to, and now obtains in only a few departments.

2. The amount of rent is entirely a matter of arrangement between the landlord and tenant. A farm may, however, be put up to competition as regards rent and the sale of produce. There is no law, custom or valuation, which regulates such transactions. The periods of the payment of rent vary according to custom and locality, but are generally agreed upon in the lease.

3. The landlord cannot break a lease nor alter the amount of rent as long as it is in force. The tribunals alone can order an eviction, or annul a lease on account of the non-fulfilment of its conditions. (Articles 1763 to 1778).

4. There is no special law which regulates the respective rights of landlords and tenants. They depend upon the "Droit Commun." If the tenant does not pay his rent the landlord can seize his effects, and the Tribunal annuls the lease. The landlord has privilege over all property belonging to the tenant in such case. (Article 2102.)

Evictions.

1. In the case of evictions there is no special procedure. The "Droit Commun" alone regulates the proceedings of the proprietor in such circumstances. When the tenant does not pay his rent, he is summoned by the proper authority to do so within twenty-four hours. If upon this payment is not made, the proprietor, if the lease is a verbal one, obtains an order from the Judge for the seizure of all the effects of the tenant, which are on as well as off the farm. If the lease is a written one, and in order, he can do this by virtue of it alone. The tenant can take advantage of any irregularities in the proceedings to gain time. Article 1244 empowers the Judge to use indulgence towards tenants whom he may consider to have been hardly dealt with, and to grant them time for the payment of their rent.

2. Evictions are rare. It is generally the interest of the landlord to be on good terms with his tenant, and there are in consequence very few lawsuits respecting leases. It is a constant practice among proprietors to advance money to their tenants.

Improvements.

1. The proprietor generally constructs all buildings, and must maintain the farm "clos et couvert." (Article 1719.)

2. If the tenant builds, he does so at his risk and peril. At the end of his lease he can remove such buildings, as he is only obliged to leave on the farm what he found on it.

3. The proprietor has no right to the buildings and improvements made by the tenant, who, in his turn, is bound to deliver up the farm in the same condition as he found it on entry. The relations between landlord and tenant are laid down by Articles 1763 to 1778. In practice, however, there is generally an understanding between them respecting improvements. For example, if the tenant wishes to drain, the landlord advances a certain sum, and the tenant pays 3 per cent. interest. The same system is adopted if new buildings are required.

4. It will thus be seen that there is scarcely question of enforcing or defining rights on either side, and the consequence is they very rarely become matter of contention. The simple reason for such a happy state of things is, that two-thirds of the land are cultivated by the proprietors themselves, and not by tenants.

Miscellaneous.

1. As will have been seen from the preceding answers the relations between landlord and tenant are generally amicable, and that legislative interference is seldom required between them.

The "Code Civil," in the matters of leases and rights of landlords and tenants, is so clear and distinct that no serious disputes can arise respecting them.

2. It must be borne in mind that the "tenant holdings," properly speaking, bear a small proportion to other tenures, and that the tenant farmer, as before said, is oftentimes himself a proprietor. The mode of cultivation, standard of living, and employment of labour, therefore, will not be found to differ much as a general rule. The tenant farmer may be said to possess this advantage over the small proprietor (but this is by no means always the case) namely, that he is assisted by the capital of his landlord if he is an intelligent and enterprising man.

3. As has been before said, the rural population generally is decreasing.

4. There is little or no emigration to foreign countries, but the great towns absorb the labouring population; and this, as regards agricultural labour, has the same effect.

5. The advantage of the tenant holding over the "metayer" system is universally acknowledged, and the one is gradually supplanting the other. The advantage to the soil and to the general condition of the agriculturist arising from small proprietorship has already been indicated. There are, however, disadvantages attendant upon it which ought not to be overlooked, but which are, perhaps, more the result of external circumstances than inherent in the system itself.

The small proprietor is ever anxious to increase his property. He is not content, however, to invest his savings exclusively in improvements and agricultural operations, but has recourse to investments in enterprises, which hold out the prospect of a speedy fortune. It is stated with regard to the Department of Calvados, that those who two or three years ago invested their savings in improving their properties, now seek to realize the 8 or 10 per cent. held out to them by the promoters of such enterprises. In one arrondissement alone, for example, there are held no less than 2,000 shares in the Seville and Cadiz Railway.

The possession of landed property even on a small scale, therefore, would seem to engender, under the present condition of the country, a desire for speculation on the part of the holder, which not only turns his savings from their legitimate employment, but in many cases produces embarrassment, and even ruin. Neither the small proprietor, the tenant, or even the day-labourer are free from this disastrous mania.

6. Except by the purchase of property there can be no creation of freeholds; and the creation of tenancies is the result of mutual understanding. There is no law or legislative enactment to enforce the granting of leases.

7. There is no limitation in the above sense to proprietary rights, which are clearly laid down in the Code Civil (Article 544), under definite conditions.

8. The division of the land which has been the result of the system now in force, as has before been remarked, is generally regarded as having been beneficial. It is not sought

to introduce any legislation which would apply to Questions Nos. 6 and 7. The system of equality in these matters is absolute.

9. The same remarks apply as regards this question. The Code Civil regulates the descent of landed property, and the Government take no measures either to encourage or discourage the application of its provisions to any particular cases or circumstances of tenure.

10. Tenants receive no assistance by law in their endeavours to become proprietors. They become proprietors almost from the nature of the system, which tends to the division of the land.

11. The Code Civil, as will have been seen, tends on principle to the dispersion of land; and not only to its dispersion but to the still further parcelling out of the already prevailing small properties.

(Signed) L. S. SACKVILLE WEST.

(No. 1.)—TABLE showing the Number of Proprietors, Farmers, Farm-servants, and Labourers.

Proprietors who farm their estates	56,639
Proprietors cultivating their own land	1,754,934
Proprietors cultivating their own land, and working on adjoining estates	1,987,186
Farmers (also proprietors)	648,836
Métayers (ditto)	293,860
Day labourers (ditto)	1,134,490
Non-proprietors:—	
Farmers	386,533
Métayers	201,527
Day labourers	869,254
Total	7,333,259*

* This number gives one agricultural labourer to every 14 acres.

(No. 2.)—TABLE showing the Per-centage of Proprietors not Cultivating their own Land, Proprietors Cultivating their own Land, and Cultivators not Proprietors.

	Per-centage.
Proprietors not cultivating	0·8
Proprietors cultivating	71·4
Cultivators not proprietors	27·7

(No. 3.)—TABLE showing the Number of Acres under Grain Crops, Total Value, and Proportion. (Statistics 1862.)

Crops.	No. of Acres.	Value.	Proportion.	
			Area.	Value.
		£		
Wheat	14,913,862	116,685,889	47·74	59·74
Oats	6,647,750	31,506,642	21·28	16·14
Rye	3,856,596	18,883,422	12·34	9·78
Barley	2,173,982	10,599,013	6·96	5·34
Maize, &c.	3,649,452	17,328,640	11·68	5·95
Total	31,241,642	195,003,600	100	96·95

(No. 4.)—TABLE showing the Extent, Value, and Proportion of the Potato and Chestnut Crops. (Statistics 1862.)

Crop.	Extent of Acres.	Value.	Proportion.
		£	
Potatoes	2,469,634	19,532,000	92
Chestnuts	1,073,402	1,772,000	80

The production of potatoes has increased 48 per cent. between the years 1840 and 1862.

(No. 5.)—TABLE showing the Division of the Soil. (Statistics 1855.)

Nature of Division.	Acres.	Proportion.
Arable land	51,256,626	48·5
Vineyards	4,203,392	3·7
Meadows	10,321,560	9·7
Pastures	18,418,138	17·8
Forests	17,971,940	16·8
Roads, rivers, &c.	3,886,132	3·5
Total	106,037,788*	100

* To this number of acres must be added the area of Savoy and the Department of the Maritime Alps, which comprises 2,423,576 acres.

TABLE showing the Number of Acres and Value of the State, Crown, and Communal Forests, 1866.

Designation.	No. of Acres.	Produce.
		£
State forests	1,982,124	1,600,456
Crown forests	134,664	119,896
Communal and private woods ..	15,953,964	8,580,000
Total	18,070,752	10,300,352

The extent of the forests of Savoy and the Maritime Alps is 388,000 acres. Forest land, therefore, occupies 17 per cent., or the sixteenth part of the area of France.

(No. 6.)—TABLE showing the Number of Agricultural Implements and Machines in France existing in the Year 1862.

Agricultural implements and machines:—	No.
Common ploughs	2,411,785
Other ploughs (not steam)	794,736
Scarifying implements	9,855
Cleansing ditto	37,884
Digging ditto	6,330
Hoes (horse)	25,846
Harrows	1,002,302
Sifting machines	35,939
Sowing ditto	10,853
Root-cutting ditto	27,958
Winnowing ditto	5,649
Mowing ditto	9,442
Reaping ditto	8,907
Threshing (steam) ditto	2,849
Common threshing ditto	97,884

It is calculated that upon an average, there are 64 winnowing machines and 106 mowing machines in each Department. The last are chiefly to be found in the Bas Rhin, Haute Savoie, Sâone et Loire, Hautes Pyrénées, Pas de Calais and Drôme. If the number of reaping machines were equally divided there would be 100 to each Department. The Bas Rhin possesses 3,760 Savoie, 1,078, and Aude, 8,918.

(No. 7.)—TABLE showing the Per-centage of the Agricultural Population for the Years 1851, 1856, and 1866.

Years.	Population.	Per-centage.
1851	21,922,000	0·62
1856	19,064,000	0·53
1861	19,873,000	0·53
1866	19,598,000	0·51

(A)—TABLE showing the Proportion of Live Stock to the Acreage under Cultivation and Number of Inhabitants.

Species.	Number of Head.	Number to Acreage.	Number to Inhabitants.
Cattle	12,733,188	23 to 200 acres	30 to 100 inhabitants.
Sheep	30,386,223	Not given	800 to 1,000 ditto.
Pigs	5,789,624	Not given	155 to 1,000 ditto.

Total number of horses, 3,312,232, of which 1,500,000 are employed in agriculture.

(B.)—Table showing the Amount of Live Stock in each Department of France.

Departments.	Cattle.	Sheep.	Goats.	Pigs.	Total.
Ain	178,395	102,388	12,221	40,255	333,259
Aisne	112,835	983,115	3,070	49,850	1,148,870
Allier	153,454	507,568	13,366	74,866	749,254
Alpes (Basses)	13,558	382,579	24,057	35,635	455,829
Alpes (Hautes)	29,573	252,653	18,163	16,706	317,095
Ardèche	45,690	282,148	39,304	46,864	414,006
Ardennes	99,169	404,903	6,081	53,418	563,571
Ariège	80,140	379,033	6,320	50,425	515,918
Aube	83,618	327,836	2,003	38,966	452,423
Aude	28,454	612,409	11,611	27,415	679,889
Aveyron	104,279	857,448	15,400	84,161	1,061,288
Bouches du Rhône	3,507	574,648	12,911	19,220	610,286
Calvados	176,059	42,769	534	45,547	264,849
Cantal	153,172	332,127	15,777	44,896	545,972
Charente	89,655	412,173	2,290	73,388	577,506
Charente Inférieure	102,142	380,076	3,447	45,795	231,460
Cher	114,460	829,438	11,924	37,739	993,561
Corrèze	116,387	482,310	7,534	81,003	687,234
Corse	53,488	287,183	118,522	57,897	517,090
Côte d'Or	144,176	499,759	3,875	70,877	718,687
Côtes du Nord	265,264	191,199	6,585	101,219	564,267
Creuse	160,779	709,060	8,013	58,039	935,891
Dordogne	124,501	664,891	10,804	158,147	958,343
Doubs	127,215	85,533	11,537	37,632	261,917
Drôme	15,649	409,921	24,080	63,293	512,943
Eure	104,599	511,384	808	49,191	665,982
Eure et Loire	85,473	788,768	1,468	24,621	900,330
Finistère	289,164	100,186	1,637	71,857	462,844
Gard	6,054	508,733	15,561	45,311	575,659
Garonne (Haute)	109,691	354,112	4,776	76,441	545,020
Gers	129,172	301,730	1,173	52,892	484,967
Gironde	112,892	419,257	6,660	64,000	602,809
Héralt	7,364	554,131	11,782	15,442	588,719
Ille et Vilaine	243,785	189,271	10,764	73,501	517,321
Indre	83,014	912,845	23,028	55,942	1,074,829
Indre et Loire	92,529	287,793	13,853	37,176	431,351
Isère	167,060	263,707	33,397	44,123	508,287
Jura	161,552	46,219	2,953	37,530	248,254
Landes	68,228	463,628	28,656	51,651	612,163
Loire et Cher	81,078	499,786	7,858	23,594	620,316
Loire	107,241	186,327	23,448	42,364	361,080
Loire (Haute)	110,761	328,270	11,611	39,764	490,406
Loire (Inférieure)	241,120	339,095	4,163	59,954	644,332
Loiret	109,280	518,510	2,301	29,456	659,547
Lot	60,963	396,604	7,725	49,929	515,221
Lot et Garonne	116,122	218,471	4,532	69,706	408,831
Lozère	37,646	377,509	5,507	14,149	434,811
Maine et Loire	207,965	193,142	4,364	86,045	491,516
Manche	212,919	83,883	870	84,191	381,863
Marne	125,002	460,900	1,795	70,397	658,094
Marne (Haute)	90,356	238,055	4,830	45,185	378,426
Mayenne	181,753	140,782	4,700	48,293	375,528
Meurthe	91,560	186,165	11,835	108,962	398,522
Meuse	96,196	213,547	7,215	98,916	415,874
Morbihan	294,461	254,948	10,353	59,495	619,257
Moselle	109,201	183,314	9,934	108,089	410,538
Nièvre	126,355	285,762	3,973	48,547	464,637
Nord	226,338	210,834	6,638	73,810	517,620
Oise	102,165	599,061	1,467	51,416	754,109
Orne	133,318	213,658	1,532	32,904	381,412
Pas de Calais	174,944	365,845	5,818	120,293	666,900
Puy de Dôme	198,543	528,551	21,204	68,315	816,613
Pyrénées (Basses)	140,597	431,211	13,846	75,697	661,351
Pyrénées (Hautes)	87,318	277,256	7,561	57,450	429,585
Pyrénées (Orientales)	21,223	379,492	21,235	28,283	450,233
Rhin (Bas)	140,715	75,469	5,046	89,309	310,539
Rhin (Haute)	99,788	55,455	11,704	61,451	228,398
Rhône	71,098	66,276	18,000	14,387	169,751
Saône (Haute)	153,487	111,989	9,248	78,974	353,698
Saône et Loire	241,622	371,101	20,157	150,802	683,732
Sarthe	123,294	122,892	19,812	76,256	342,254
Seine	16,326	28,244	969	4,075	46,514
Seine et Marne	83,051	749,250	1,519	22,293	856,113
Seine et Oise	94,467	515,214	1,274	29,474	639,429
Seine (Inférieure)	146,474	96,716	563	56,502	300,255
Sèvres (Deux)	113,082	426,556	20,632	41,628	601,898

Departments.	Cattle.	Sheep.	Goats.	Pigs.	Total.
Somme	118,514	474,817	4,902	70,472	668,705
Tarn	86,993	582,025	3,597	75,094	747,709
Tarn et Garonne	65,701	259,146	782	38,663	363,512
Var	11,353	294,100	34,800	37,379	377,632
Vaucluse	1,439	241,118	5,755	42,932	291,244
Vendée	.200,235	360,769	1,012	40,793	602,809
Vienne	67,029	601,473	18,490	51,794	738,786
Vienne (Haute)	112,448	636,086	10,749	90,750	850,028
Vosges	141,464	103,605	19,857	94,069	359,005
Yonne	127,342	350,144	3,172	35,489	516,137
Total	9,936,538	32,151,430	964,300	4,910,721	47.962,989

As this Table is taken from M. Schnitzler's work "On the General Statistics of France," published in 1846, it cannot be taken as showing the exact quantity of live stock at present; but the variation has been inconsiderable, and as it is the most correct tabular form I have met with, I have adopted it, as giving the best general idea of its amounts.

Observations.

The general character of the information sought to be obtained by Her Majesty's Government with respect to land tenure in France, will be found set forth in the answers to the questions proposed on this subject. The system by which the tenure of land is regulated may be said, since its introduction, to have affected the character and social condition of the population more than it has been itself affected by them. It has been in fact the cause, and certainly the arbitrary cause of the change, for it sprang up, as it were, upon the ruins of a previous State, and was moulded into a system by military supremacy. It has formed the present social condition of the people by embodying all that was good and practical in the chaos of ideas which resulted from the great revolution, and by re-uniting the bonds of social life which had been torn assunder by this terrible collision of classes. Society was thus re-constituted. The old relations between landlord and tenant, and the remains of feudalism, were swept away. New relations had to be established; the land was suddenly emancipated, and henceforth, so to speak, the State constituted itself the landlord.

Purchase, lease, and inheritance, under these circumstances soon found a regulating power in the Executive Government, which based all its operations upon the principle of absolute equality in proprietorship, the great predominating idea of 1789. The tenure of land thus became its absolute possession,—possession acquired under fixed laws and conditions. No right but that of proprietorship was recognized. The effect of such legislation applied to land already declared free, was seen in an almost immediate re-distribution of property, a large portion of which necessarily fell into the hands of those to whom proprietorship had been hitherto unknown.

The effect also of the law of succession was soon apparent in the gradual division of the properties newly acquired, and a large class of small proprietors was thus created; a class to which may be attributed the agricultural progress of France so remarkable between the years 1815 and 1847,

The present relations between landlord and tenant in France, resemble those which exist in Ireland, in so far as they are founded on the express or implied contract of the parties, and not upon tenure or service; the verbal agreement from year to year exists, as well as the written contract, the conditions being established by law, and upon the strict fulfilment of which entirely depends the tenancy.

Eviction can be operated upon any contravention of the lease, and compensation for improvements depends upon agreement, and constitutes no legal claim upon the landlord.

From what has been said, therefore, it would almost seem that the Irish and French systems of land tenure were identic, and what has caused, in the one case, discontent and agrarian outrage, has, in the other, been productive of social order and general contentment.

But it must be borne in mind that 75 per cent. of the agricultural population in France are proprietors, and that the number of proprietors is still increasing. In this fact consists the difference,—a difference depending upon the ownership of the land by the masses, as opposed to the ownership of the land by minority.

Tenant right and fixity of tenure arising from land occupation are phrases scarcely heard in France in connection with landed property, for the simple reason that there can be no such right or fixity of tenure which does not result from free and undisputed possession, and as such possession appertains in the majority of cases more or less to the

tenant and labourer as well as to the landlord, the disputed questions which occupy attention as regards the Irish land question can scarcely ever arise in France.

Proprietary rights can never be called in question.

Whether a property consists of one acre or one hundred acres, the owner is absolute in all matters relating to possession. The Legislature cannot interfere between him and the tenant in questions respecting compensation for improvements or indemnities. The positive law of succession cannot be altered or modified by custom or usage, and the tribunals will only recognize such in cases of written agreement between the parties, and where the usage or custom does not contravene the Code. The only limitation, therefore, to proprietary rights consists in the law of succession, which prevents the owner of a property from disposing of it as he may choose; but so long as in actual possession and in the enjoyment of its proceeds, there is no law, custom, or usage which can constitute any claim or right on the part of a tenant or "métayer" holding under him.

The small proprietor is seen under more advantageous circumstances in France than in any other country in Europe, for he has, in fact, been the creation of a system which, whatever may be urged against it, has reconstituted the rural economy of the nation, and more than doubled the produce of the soil. His mode of life presents a striking and instructive illustration of the system, for it is based upon the proceeds of the land in which he has a direct personal interest, and he lives, therefore, as an independent member of society rising according to his means in the social scale.

The amount of capital expended by the small proprietor upon his land is proportionately small, but it must be borne in mind that the general fertility of the soil, the variety of its produce, and the little industries created by the "cultures industrielles," make up, in a great measure, for deficiencies in the mode of cultivation.

The condition, however, of the small proprietors varies very much in different Departments, as also does the mode of cultivation, but they will generally be found in easy circumstances, and living always in the hope of bettering them; and it is this hope which absolute possession engenders, that stimulates them to fresh exertions beneficial not only to themselves, but to the community in general.

I have already alluded to the disadvantages arising from the excessive "morcellement" of the land to which the present system of proprietorship in France is leading in many districts. All persons coversant with the subject appear to be unanimous as to its evil results, and it is becoming an important question as to how far it may be possible to preserve a system which has been productive of such undoubted benefit to the nation, and at the same time prevent its undue development from becoming the cause of ruin and misery.

(Signed) L. S. SACKVILLE WEST.

Paris, November 20, 1869.

Inclosure 2 in No. 7.

LIST of Books, the purchase of which was authorized by Lord Clarendon's No. 842 of September 6, 1869.

1. "Enquête Agricole," 28 vols.
2. "Economie Rurale de la France" (Lavergne), 1 vol.
3. "Statistique Générale de la France" (J. H. Schnitzler), 4 vols., 1846.
4. "Population de l'Empire" (pamphlet).

No. 8.

Mr. Gordon to the Earl of Clarendon.—(Received November 30.)

My Lord, *Stuttgardt, November* 20, 1869.

IN compliance with your Lordship's Circular despatch of August 26 (received August 30), I did not delay to instruct Mr. Baillie, First Secretary to this Legation, and resident as Chargé d'Affaires at Carlsruhe, and Mr. Phipps, Second Secretary to the same and acting as First Secretary at Stuttgardt, to occupy themselves immediately with the study of the various points bearing on the subject of land tenure as regards this kingdom and the Grand Duchy of Baden respectively, which are adverted to in your Lordship's despatch, and to report upon the series of questions included therein, of both which documents I furnished those gentlemen with copies as instructed by your Lordship.

I have now the honour to transmit herewith a letter and report which have been drawn up by Mr. Phipps on the above subjects as regards the Kingdom of Wurtemberg, and in doing so, I feel called upon to express my opinion of the diligence and ability evinced by him in composing the latter, which is full of interesting information on the points in question, with reference to their different aspects in this country in very laudably strict adherence to the line of inquiry indicated in your Lordship's despatch and its inclosure; although it may, perhaps, be objected that he has scarcely paid sufficient attention to the contrast which it is apparently desired by your Lordship should, in these Reports be drawn between Wurtemberg and Irish Institutions, customs and systems on the matter in hand. To this, however, it may, I venture to submit, be very fairly replied that such a contrast presupposes a considerable practical knowledge of Ireland and the land tenure system there which is not possessed by every one and which, as Mr. Phipps has not lived in that country, he cannot be expected to have.

I beg leave to advert likewise to another difficulty in drawing up such Reports as are desired by your Lordship if they are to be furnished within a short space of time. Many of the Queries (as, for instance, Query 13, Division A, and Queries 5 and 8 Division B, heading "Miscellaneous") relate to the directions of public opinion on the existing practice or system in foreign countries, respecting which information is sought for. Now it may be comparatively easy to obtain such information as to the actual facts referred to within a limited time, whereas it would manifestly require a much longer interval and much more extended opportunities of studying the subject, probably quite new to the reporter when proposed to his attention, in order to give any reliable and well-digested information as to the state of public opinion in the country in question respecting that system. I take the liberty of appealing to the latter consideration especially in requesting your Lordship's indulgence for the delay which must still take place before Mr. Baillie is prepared to send in his Report as to the Grand Duchy of Baden. He is, I know, engaged diligently in making the necessary studies for it, but finds it, as he informs me, very difficult to obtain the information (of which, however, he has received the promise) which he requires in order to reply intelligently to several of the questions proposed in the inclosure to your Lordship's despatch.

Lastly, I beg to remark that, in consequence of the very exceptional cases, both in Wurtemberg and Baden, of the land being in possession of large proprietors and by them farmed out to tenants, very few of the Queries and considerations proposed under Division B in the inclosure of your Lordship's despatch are applicable to these countries, and cannot, therefore, be answered so as to afford much information of the description required by Her Majesty's Government.

As regards myself, and the expression of the gratification it would afford to Her Majesty's Government to receive any additional information which may be supplied by the Chiefs of Her Majesty's Embassies and Legations abroad on the subject in hand, I cannot pretend to have paid the attention to it which would qualify me to add much to the information furnished by Mr. Phipps. But I have, of course, not neglected the subject, and in the few remarks I take the liberty of offering, such as they are, it may be convenient to follow the order adopted in Mr. Phipp's Report, on certain parts of which I am induced to make either supplementary remarks, or even partial restrictions.

1. Under the preliminary heading "Land Occupation," Mr. Phipp's Report gives a theory for the existence and number of the small proprietors in this country which will, I venture to think, be entirely new, but which, Mr. Phipps informs me, he has derived from conversation with, and positive information furnished by Dr. Becker, an eminent legal practitioner and Member of the Chamber of Deputies, of the popular or anti-Prussian party, and Member, in 1848, of the German Regency for Wurtemberg.

Mr. Phipps, following Dr. Becker's inspiration, argues that the soil was originally in the actual ownership of the so-called peasant (*Germanice*, "Bauer," literally, cultivator or inhabitant), although his proprietorship was variously and tyrannically restricted by the interference and violence of the feudal Lords; whereas the almost universal theory is, I presume, that the land belonged actually to the Sovereign, whoever he might be, powerful or not, and whatever might be the extent of his territory, for portions of which his greater feudatories did him homage and service of various descriptions; whilst they, on their part, made over or let out portions of their districts to inferior Lords or Barons, who similarly each assigned portions to inferiors on like conditions, and so on till the mere labourer received his plot of ground for rent, whether in kind, service, or money, as I can recollect was frequently the case in Aberdeenshire so recently as some forty or fifty years ago.

The question is interesting, and I am not in a position to solve it.

2. In much that Mr. Phipps says in reply to Query 9 under Division A, heading, "Small Properties," with regard to emigration, your Lordship will perceive, that the

information which he has independently gathered, tallies with what I had the honour to write to your Lordship in my despatch of the 31st August, as to the new Military Regulations since 1866, producing increased emigration of young people in order to escape their operation. Baron Varnbüler has likewise since quite incidentally confirmed this opinion and, I may add here (as connected with the subject, and because I have received an application from certain Liverpool emigration agents, to obtain the support of the Wurtemberg Government to their firm), that his Excellency is himself personally (and he informed me that it was likewise the policy of this Government), determined to oppose emigration, in so far as to offer no facilities for it, and on the contrary, to throw in its way all the difficulties in their power. I beg to add that I replied to the above application, that without instructions from your Lordship I could not comply with its request, nor interfere in any way in the matter.

3. In answer to Query 10, Mr. Phipps states, that the small proprietors of this country almost invariably live in villages or small towns, a custom which occasions considerable inconvenience.

I should be inclined to say that the practice is quite invariable, and I can, from the able testimony of Herr von Steinbeis, President of the Board of Trade, fully confirm the above opinion of the inconvenience of the practice. It is, of course, impossible that the whole of the plots of ground belonging to the inhabitants of a village or town, and these communities number variously from 400 or 500 to 1,000 or 2,000 or more inhabitants, should lie near the place itself, so that the time occupied in going the distance between the dwelling-house and the field and the necessity of carrying or driving thither or thence all tools, seed, manure, &c., is often a very serious waste of time, inconvenience, and injury, besides preventing frequently the cultivation of tender or valuable crops, from the impossibility of properly watching them, or of sufficiently guarding them against depredation. But the system is ancient, having been adopted in troubled epochs for the sake of mutual protection, and having been and still being fostered by the Government for bureaucratic and police purposes,—as Herr von Steinbies argues—very erroneously and vexatiously.

4. With regard to Mr. Phipps' interesting reply to Query 13, I am inclined to differ with him as to the beneficial effects, in view of the subdivision of property, which he attributes to the restrictive marriage laws hitherto enforced by the communal system and general law of Wurtemberg, as well as, I may add, of Baden and other German States.

The hardship and impolicy of these laws has latterly been understood in both the States just named; and, whilst in the latter, a law for the compulsory introduction of civil-marriages, including much simplification and alleviation of the present Marriage Laws is at this time passing through the Legislature (respecting which Mr. Baillie will report when it becomes law) in this country, a similar measure has been, for some time, under the consideration of the Government, and will be submitted to the Chambers at their next Session, with every probability of receiving their sanction.

5. With regard to the state of public opinion, as to the advantages or disadvantages of small proprietorships, I am inclined, from such inquiries as I have made, to agree with Mr. Phipps, that the former are generally considered as prevailing over the latter. As one influential authority in this direction, I may instance Baron Varnbüler, who is himself a considerable landed proprietor for this country; but who justifies his opinions on the point (which he also printed in 1846), by saying, that admitting the system of subdivision of property to occasion increased expense in cultivation, it renders, notwithstanding, the land absolutely more productive, inasmuch as the small proprietor works his piece of ground more with a will than he would do as a tenant or labourer, tends it more carefully, works early and late at hours he would never do under another system; and finally takes a higher and better position as a member of society, and feels himself, as owner of his acre or two of land, or less, a more important individual,—as weighing more in the body politic,—than he would do for instance as holding to his name in the savings bank several hundred or more of florins that he might otherwise have laid by from hired labour or industrial pursuits.

I think it may prove interesting to add the following translation of the passage by which Baron Varnbüler sums up his remarks on this subject in the pamphlet to which I have referred:—

"Any one who has had opportunities of intercourse with the people, will recollect how, among the poorer classes, industry, good faith, economy, moral behaviour, are accustomed to attach themselves to the acquisition of a small property; how the house servant, or farm labourer, or small mechanic, usually doubles all his efforts, from the moment when he has obtained the right of calling a small plot of land his own; as also how he seems to place all his happiness in maintaining, extending, and tending this

possession, and how incredibly large are the returns which, in addition to his other labour, he is enabled to extract therefrom. Let it not be forgotten either, that all these small proprietors are bound to the course of order by this, it is true, absolutely small but relatively large pledge. Finally, let those parts of Wurtemberg, where the subdivision of land is greatest, be examined on the spot, in order to convince the inquirer of the high degree of productiveness to which the ground is brought in those quarters, and for what a mass of wants it is made there to suffice before he even thinks of disturbing this source of industry."

With all this, however, Baron Varnbüler guards himself carefully against being supposed to advocate the subdivision of property abstractedly, or to condemn large properties. His pamphlet, from which the above is extracted, is on the necessity of further legislation for the furtherance of industry in general; and he would be understood only to contend that the subdivision and power of further and continued subdivision of property is even, with its acknowledged disadvantages, at present the smaller, and indeed a necessary evil; at all events a less one than their legal restriction would be, and that the natural corrective for it lies in the development of industrial activity.

"There," he concludes, "where large properties are sanctioned by custom and peculiar conditions of private law ('privat rechtlich') I would by no means interfere with it. There lies in every ancient custom some truth, and therefore do I consider it as a bounden duty in legislature to oppose the many abuses by which the same may in any possible manner be attacked."

6. I beg, in conclusion, to advert shortly to the very large proportion of forest land, amounting, as it would appear from the Appendix to Mr. Phipps' Report, to nearly one-third of the whole productive area of this kingdom. Of the 2,000,000, speaking roughly, of Wurtemberg "morgen" or acres of forest land in the country, one-third is in the hands of the Government, one-third in possession of private proprietors, and the remaining third in the occupation of foundations for pious and useful purposes, and of corporations, communal or oppidan. Again, of the above third possessed by private persons, one-half is in the hands of large proprietors, and the other of small proprietors. Of these the latter portion is diminishing yearly by sale, the greater part being purchased by Government, which, from economical and prudential motives, constantly seeks to increase the forest land belonging to the State. The chief of these motives are, that as coal is not found in Wurtemberg, it is requisite to take every step possible for taking care that there should be a sufficient supply of fuel; and further, that the climatic conditions of the country should not be prejudiced by too extensive a denudation of the acreage under forest. There exist, besides other economical reasons, connected with forest management, which render it advisable for the State to acquire as much of such property as possible.

I have, &c.
(Signed) G. J. R. GORDON.

P.S. *November* 26.—The whole question of forest management, to direct which, in all South German States constitutes almost a distinct Department of the State, would require a Report devoted entirely to this subject, and has a body of laws exclusively applying to it. From the immense extent of ground in these States that is under forest, the economical necessities produced by the absence of coal, and the climatic considerations involved in the maintenance of the requisite quantity of forest land, the subject is one of the first importance; and having therefore for many years commanded constant attention, the management of the forest lands in all the South German States has been brought to a high degree of perfection.

G. J. R. G.

Inclosure in No. 8.

Report on the Laws and Customs affecting the Tenure of Land in the Kingdom of Wurtemberg.

Stuttgardt, November 20, 1869.

Name of Country.—The Kingdom of Wurtemberg extends over an area of 6,188,252 acres (German morgen).

Population.—It has a population, cacording to the census of 1867, of 1,899,906 inhabitants. Over 4,000,000 acres* are cultivated, or 65 per cent. of the whole amount,

* 1¼ morgen (German acre) = 1 statute acre.

while the forest, one of the principal sources of wealth, extend over an area of nearly 2,000,000 acres, or nearly 30 per cent. of the whole.

An estimate of the density of the population gives 1 inhabitant to every 3½ acres, or 1 inhabitant to 2⅓ acres of cultivated land, and 26 per cent. of the whole population are said to be inhabitants of the 136 towns which the Kingdom contains, in all about 460,000 persons, while about 50 per cent. of the whole population are said to be occupied in agricultural pursuits.

The male population of Wurtemberg in 1861 consisted of 830,192 persons, of whom nearly 600,000 were over 14 years old.

The increase of the population is, comparatively with other countries in Germany, very small; for while, during the last 50 years, the population of the whole of Germany increased at the rate of 50 per cent. the increase in Wurtemberg was only at the rate of 23 per cent. A comparison of Wurtemberg with other German Kingdoms of similar size, places it again in an unfavourable position in this respect, for the increase in the same period in Saxony amounted to 85 per cent., and in the late Kingdom of Hanover to 45 per cent.

Religions.—The three religions sanctioned and recognized by the State are, the Lutheran, of which the King is the head; the Roman Catholic; and the Jewish; but all other sects are tolerated. The number of Evangelic or Lutherans is 1,220,124; of Catholics, 543,593; and of Jews, 11,662. There is an inconsiderable number of persons belonging to other sects, such as Baptists, Unitarians, Jerusalemites, Methodists, and Calvanists.

Industrial Pursuits.—Agriculture is the principal occupation of the mass of the population, and cattle-breeding on a moderate scale. There are numerous small manufactories of linen, cotton, hosiery, woollen cloths, cutlery, tobacco, glass-toys, &c. There are two extensive mills for spinning cotton and woollen yarn, and four beetroot-sugar manufactories on a large scale. Salt was a State monopoly until last year, when its production was thrown open by the Zollverein; it is produced in large quantities; and there is a very important State iron foundry, which produces yearly 3,000,000 florins worth of iron. This is still a Government monopoly.

It is, however, intended in the next Session of the Legislature to abolish the State monopoly of the iron foundry, which for a long time since has not paid the expenses of working. As a rule, the impulse given by the State to all industrial undertakings has been carried too far for the requirements of the population, and Government assistance has been afforded to a mass of industrial occupations (as well as to provide technical instruction on the same), which do not in many cases repay the outlay invested on them. The primary expenses of such undertakings are generally, when managed by the Government, excessive; for instance, all the buildings at the iron-foundry at Wasseralfingen are on a palatial scale; whereas, a company or a private ironmaster, would have erected, at a far inferior cost, the buildings absolutely necessary. The breeding establishments (Landesgestül), moreover, are maintained by the State at an enormous cost, little compensated for by any improvement in the breed of horses. All these, and similar abuses, are probably connected with a bureaucratic system, and as all these Government undertakings afford occupation to a large quantity of minor officials, the cessation of their management by the State would meet with considerable opposition by a large portion of the community. Had the public money which, it is considered on many sides, has been wasted in this manner, been left in the pockets of the tax-payers the various branches of industry, where desirable, would probably have attained even greater vitality. There is a considerable party in the country which argues that an important diminution might be made in the taxation, by at least a modification of the policy of the Administration in this respect.

Land Occupation.

The system of land occupation in Wurtemberg is now almost entirely by small proprietors, by whom nearly the whole land is held. The few tenant farmers in the country are upon the State or Royal properties, or those belonging to the wealthier of the nobility or mediatized Princes, but farms held by such tenants are seldom less than 200 acres in extent, and, as is subsequently mentioned, are almost always men of a very superior class, who practice high farming, and have undergone a practical and theoretical agricultural education at the Royal Agricultural College at Whenheim. Until the year 1817, however, the greater part of the agricultural area was cultivated by a class of men who, though termed proprietors, held a position in many respects similar to that of the tenant farmers in Ireland, with the exception that, in general, they enjoyed a life tenure

of their land, renewable by one of the sons on payment of a certain due or premium, and the process by which these have been converted in one generation into the now comparatively prosperous days of small independent farmers is one of considerable interest, and though that independence has been ever since the year 1848 complete, the last traces of the feudal rights which for so long interfered with the freedom of proprietorship in Wurtemberg will, in 1873, entirely disappear by the payment of the last instalment of the sums due for the freedom of the soil.

In the middle ages the proprietorship of the peasant in the soil which he cultivated, was, in the whole of Germany, as well as in this country, restricted by various feudal rights, partly of the nature of taxes and partly of personal bondage and obligation to serve on certain occasions his feudal lord. The origin of these imposts cannot be traced with any precision, having existed in most cases before any system of registry of titles, obligations, or mortgages was established. The peasants may have been permitted by the petty Princes and nobles to cultivate the land and earn a bare livelihood under these restrictions, or else in those days owing to the insecurity of property and the prevalence of lawlessness the land which was possibly originally the property of the peasant was, so to speak, made over by him to the nobles or the Church and monasteries in order to obtain protection from them against others, and thus identify his interests with their own. They, on the other hand, permitted him to remain in possession of and cultivate his land, and in return for the immunity and security which he enjoyed, imposed upon him a series of overwhelming obligations. In fact, on the division of properties so encumbered the persons acquiring land took upon themselves the burdens upon the property, and thus the number of, so to speak, serfs largely increased. These imposts adhered not only to the land itself but to the buildings on it and their occupiers, free and unrestricted proprietorships was the exception, and inasmuch as imposts of the most varied description, and in favour of various feudal lords rested on one and the same patch of land, hardly any clear profit to the tenant or occupier remained when the different seignorial dues, such as taxes in money or in kind, ground taxes, tithes, third or fourth amount of raw products of the land, had been paid.

This species of land tax in most districts formed the principal source of revenue of the petty princes and barons, as well as of the cloisters, churches, parishes, and charitable institutions, and even of private individuals and patrician families in the large towns. The multiplicity of their nature and their division into small amounts made the very collection and levying of them a burden alike to the recipient and the obligee : to the latter especially they formed a constant obstacle to any sort of agricultural progress, inasmuch as any improvement in the resources or productiveness of the soil obtained by the toil of, or as a result of the improvements made by the so-called proprietor or rather tenant, was comparatively less advantageous to him than to his feudal landlord, who still "feloniously" claimed as his due the same percentage of the raw produce without having any regard to the increased expenses of the cultivator. Besides this, there was a series of legal restrictions on the free use and cultivation of the land, such as the obligation to grind the corn or press the grapes in certain places at certain periods, limitations as to the ploughing of certain fallows, and the cultivation of certain sorts of corn and fruit, as well as fixed periods for harvest and vintage, which were closely allied with the feudal dues above alluded to.

Although it was recognized that the interests of agriculture would suffer most severely were the system kept up, the feudal proprietors were so unwilling to tolerate the modification of private rights even though in obedience to the demands of public interest that during the first years of the present century they resisted so powerfully that no improvement could be made, and although after the accession of the late King a Royal Edict was in 1817 promulgated by which the obligation of personal servitude was declared to be at an end, and the redemption of many feudal rights provided for as well as the unlimited laws of socage (a sort of personal service) modified, the feudal proprietors appealed to the Diet at Frankfort for reinstatement in their rights. In the State and Royal properties, however, the Royal Edict became law, and these dues were either altogether suppressed or else made redeemable under favourable conditions.

The evil results attending the unrestricted feudal rights became at last so palpable, that in 1833 a project of law was brought in to release the country from the most exorbitant of them ; but it was not until 1836 that a system insuring the freedom of proprietorship in the soil was made law, and not till 1848 that all the feudal rights were completely abolished, the feudal proprietors being indemnified, in some cases not at all, and in other cases by twenty to twenty-two and a-half years' purchase, according to the nature of the dues redeemed. The peasant proprietors had, however, only ten to sixteen years' purchase to pay for their release, the difference amounting to 2,600,000 florins

(nearly 220,000*l.*), being made up by the State; and the sum for which they were liable was made payable in terminable annuities of equal amount, extending over a period of twenty-five years.

The law provided that the whole amount could be payable at once, or that the farms might, on payment of the whole amount become free at any time during the twenty-five years. This course was on the occasion of changes of proprietorship often followed, so that a considerable portion of the land is already entirely free.

After this law was carried out, the nobility represented that, while losing the profits accruing to them from the feudal rights, they were still compelled to bear the obligations attendant on them, such as the construction and repair of roads, bridges, churches, schools, and glebe-houses, whereupon after protracted discussions the redemption of these obligations and the indemnification of the tithe owners was carried out upon the same system as the redemption of the feudal dues.

In 1852 and even as late as 1860 the former owners of the tithe and seignorial dues endeavoured to re-open the question, and represented that their losses had been, in many cases, enormous, and that great injustice had been done to them; but they met with the most strenuous opposition in the Chambers and the country, and it was finally decided that the system of redemption of these dues had been carried too far for any alteration to be possible; and there is little doubt that the settlement of this difficult question was made on a footing most equitable to all classes.

Thus were all restrictions on the freedom of property abolished, and all subjects of animosity between the noble and the peasant rendered impossible. The peasant was a gainer in that the profits of his tillage were henceforward for his own benefit, not that of others; the noble was no sensible sufferer, inasmuch as he was insured the regular payment of the release fund, and he became thus the owner of a large amount of property of marketable value at a moment when a considerable quantity of land came into the market, of which he could become its purchaser far below the value, and at the same time had no longer before him any apprehension of any new agrarian revolutions or land questions.

The State was at the same time, in spite of the sacrifices it made, a great gainer, owing to the peasant being placed in a position relatively so much more favourable, that his ability to contribute to the Government in the way of taxation was increased. At the same time the result has been that the cultivated area of the kingdom has increased to a very considerable extent, and a great impulse was given not only to agriculture but to trade and commerce of every description.

(A.)—Small Proprietors.

1 and 2. In the different parts of the country composing, since the beginning of this century, the present Kingdom of Wurtemberg, two sorts of small proprietors are to be met with.

(*a.*) The peasant cultivators, amounting, perhaps, to 180,000, who live in the villages and whose land is hardly ever held together, but intersected to a great extent by other properties. A proprietor of this class possesses here 1 acre, there ½ an acre, elsewhere ¼ or even ⅛-acre. Though cultivating themselves their small patches of land, they complete their means of livelihood by working as day labourers, or else follow various industrial pursuits. Their land is, after the death of the owner, if intestate, equally divided amongst his children, male and female, according to law. When, in accordance with the will of the father, one child becomes owner of all the paternal land, an estimate is made on a footing rather favourable to him (a so-called "Freundeskauf") and he compensates the brothers and sisters by equal sums of money.* The daughters, however, are more frequently on their marriage allotted an equal share of land; and as the husband is probably proprietor of a piece of land elsewhere in the commune, the intersection and subdivision of the land goes on increasing. No limitation exists among them, either by law or custom, to the division of property.

This class of cultivators is generally to be met with in the most fruitful parts of the country on arable land of a superior quality, vineyard, orchard land, &c. And a possessor of twenty acres would be greatly above the average.

(*b.*) The next class of small proprietors do not generally live in the villages, but in detached farm-houses (of which there are not 3,000 in the whole country).

* These sums must not amount to less than what is called the "pflicht theil," or "obligatary portion." Should there be four or less children, the "pflicht theil" would amount collectively to one-third of the whole property. If, for instance, the proprietor leaves 1,200 florins and four children, they have the right to divide 400 florins, receiving each 100 florins. Should there be more than four children, the "pflicht theil" amounts to one-half of the property.

Such farms are generally to be found in Upper Suabia, in the Black Forest, and in Franconia, consist of arable land, pasture and forest land, and are generally of from 50 to 300 acres.

The arable land is generally in these parts of the country less productive than those described in the preceding paragraph, and the density of the population is about one inhabitant to 4 or 6½ acres.

These larger peasant farms are not entailed; and since the freedom of proprietorship measure was passed, the law does not stand in the way of their sale or subdivision, but according to custom, the eldest son (in some parts of the country, the Uohenlohe district, for instance. though, the youngest) succeeds to the whole property, often in the father's lifetime. When the parent is incapacitated by age from managing his farm he retires to a small cottage generally on the property, and receives from the son in possession contributions towards his support both in money and in kind. The other children receive a sum of money calculated according to the size of the property and the number of children, but which, in any case, falls far short of the sum which they would receive were the property equally divided, or even were the law of "pflicht theil" acted on. They have, however, their home there until they establish themselves independently, or take service on another property. A gentleman who has been brought, in the exercise of the legal profession, constantly in contact with this class of proprietors, states that, though all rests purely on custom, there is seldom, if ever, any dispute as to succession; and though the written law provides that all properties should, on the death of the owner, be divided amongst his children, the above custom has become so time-honoured that it would be respected by the Law Courts, and not interfered with.

An idea of the distribution of landed property may be formed from the following estimates:—

	Per cent.
Estates of more than 200 acres	7
,, more than 50, and less than 200 acres	29
,, over 10 and under 50 acres	40
,, under 10 acres, down to as low as ⅛th of an acre	24

The number of large estates (above 200 acres) is, however, smaller than the above statement would show as in the per-centage are included the communal properties (subdivided internally) and also the Royal and State domains. The number of private estates over 200 acres in extent, is perhaps not more than 300 to 350 in the whole Kingdom, and such estates on an average do not consist of more than 350 acres each. In the Neckar district (the neighbourhood of the capital) one-third of the whole extent consists of estates or properties of from 10 to 30 acres each.

According to an official survey in July 1857, there were in the whole country 718 proprietors of more than 200 acres (a larger number than would appear from the previous per-centage); 2,895 of from 100 to 200; 11,721 of from 50 to 100; 16,795 of from 30 to 50; 61,098 of from 10 to 30; 73,243 of from 5 to 10; and, finally, 283,124 proprietors of less than 5 acres: in all, 449,594 landed proprietors. As, however, in this calculation many proprietors of land in different communes are counted twice over or oftener according to the number of properties or portions of land they may possess, the number would be reduced nearly one-third which would give 330,000 as the number of landed proprietors in Wurtemberg. The area of the whole country being about 6,000,000 acres, and of that about 4,000,000 acres being devoted to agriculture, each property would on an average consist of about 12 acres. It must be borne in mind, however, that of the 330,000 proprietors only 15,000 are actually independent farmers, while 180,000 are though actually proprietors of land not really farmers, but though cultivating their small patches of land gain their livelihood as day labourers or else by industrial pursuits.

The 15,000 farmers may be divided as follows:—

1. Fourteen thousand possessing farms more than 50 acres in extent, with a collective property estimated at 1,300,000 acres, and an average property of 93 acres.

2. Fifteen thousand with from 30 to 50 acres collective property, 500,000 acres average size of farm 37 acres.

3. Fifty-five thousand with from 10 to 30 acres collective extent of properties, 1,018,000 acres average size of farm 18 to 19 acres.

4. Fifty thousand with 5 to 10 acres collective property set at 380,000 acres, average size of farms 7 or 8 acres.

5. Sixteen thousand with about 5 acres or less collective property estimated 60,000 acres, average size of farms 3 to 4 acres.

The actual extent of the farms of this class gives, however, an incomplete notion of the actual position of the farmer; of course, the quality of the soil and the nature of

the farming as well as the situation of the farm may considerably alter its relative importance. A farm of 20 acres for instance in the Nuterland is a considerable one, while in many parts of the Alf and Black Forest districts, such a farm would hardly afford means of substance. In the wine district again, where cultivated land is worth from 800 to 1,000 florins per acre, a farm of 5 or 6 acres cannot be considered as a "dwarf property" whilst in other districts it would be too small to be profitable for any cultivation. It will be gathered from the above that, leaving on one side the 180,000 proprietors of land not actual farmers, the average size of the farms may be taken at 22 acres.

3. About forty years ago a system was introduced in Wurtemberg by which the whole country was surveyed, and the extent, estimated value, and ownership of every piece of land entered in registers kept at the office of the Mayor or principal officials of each commune, every change of proprietorship whether caused by sale, exchange, inheritance, or marriage is entered in the communal register so that no possible dispute can arise as to title, &c. A duty of 1 per cent. on the value of the property is charged by the State on each occasion on which a fresh entry (owing to change of ownership, &c.) has to be made in the register as well as a registry fee of $\frac{1}{5}$ per cent. charged by the commune. By applying for permission to inspect the communal register, an intending purchaser is enabled to ascertain at a glance the extent and ownership of any piece of land, however small, in the commune as well as a list of any debts or charges on such property by mortgage, and the purchase or exchange would be completed by the parties appearing before the Communal Council by whom the name of the new owner is registered.

A copy of the entry in the register is made by the magistrate of the commune and the signatures affixed.* The deed need not even (to ensure its validity) be drawn up on stamped paper. The Communal Council are answerable for the correctness of all entries with regard to every property. Conveyances in the legal sense of the word in England are unknown.

Though the simplicity of the system is most admirable, and though it is found in every respect most practical in its results as tending to prevent much unnecessary litigation, it is to be questioned whether the extreme facility of such process has not the effect of encouraging the constant subdivision of property.

4. Government affords no special facilities for raising loans upon landed property. There exist, however, several private companies founded for the purpose of enabling proprietors to raise money upon their estates. These do the large business while small proprieters obtain loans from the District Savings Banks (Oberamts Sparkassen) of which there are a considerable number in the respective districts. These establishments are not under Government control, but they are voluntarily placed under the supervision of the Government which superintends their working.

Advances are generally made up to half of the value of the property, sometimes up to two-thirds of the value. The rate of interest varies from $4\frac{1}{2}$ to 6 per cent., and the repayment of the loan is very frequently stipulated in annuities extending over twenty to twenty-five years. These institutions do not as a rule enquire closely into the objects of the loan, but merely consider the question of the security offered. In general, loans on landed property are made, to a great extent, by private persons, who prefer such investments to all others.

5. There are no statistics as to the indebtedness of the landed proprietors, or the number of mortgages entered in the mortgage registries. It must yet, however, be remarked as a notorious fact, that in this respect a great change has taken place during the decennial period 1853-63. Up to 1840 it is believed that the greater part of the capital in the country was lent out on landed security, and it is calculated that in 1841 the mortgages amounted to one-ninth of the whole value of the land, but the very facility to borrow money on real estate was the cause of the excessive elevation of the price of the properties, and in fact to the whole crisis which took place.

Upon this crisis, owing to the extensive executions levied, large sums were lost and capital turned to State securities and industrial undertakings, partly because confidence in the security of the state of agricultural affairs was shaken by the late events, and partly because agriculture, quickly recovering itself, was no longer in want of such loans; and, on the contrary was. under the more favourable circumstances resulting from the redemption of the feudal-dues, able to pay off large sums. It can be confidently asserted that now much the smallest portion of the capital of the country is lent on real security, and that a very great number of farmers are in possession of active capital.

In Upper Suabia especially, the number of farmers who hold State securities is very

* The validity of a sale of land does not depend on the registry, which is only a measure of administration.

large, and there are even many who hold shares in industrial undertakings of every description. In fact, it is probable that taking the farmers as a whole, the active capital in their possession almost equals the amount of the debts and mortgages on the landed property, taken collectively, and that it may, therefore, be said, as a whole, to be free from debt.

The small properties are, however, too general, heavily mortgaged. The sanction of the Communal Authorities must be obtained to every mortgage, which must be entered in the public register, and they would, of course, give their consent to no new loan if the debts of the intending mortgagee amount to the estimated value of his estate. Great security is thus afforded. In the absence of any agreement to the contrary among the parties concerned, the security offered must exceed by one-half the amount of the mortgage.

6. The mortgages are, as above stated, always entered on the Communal Register, and the local authorities are individually answerable for the correctness of the entries. Any person desiring to contract a loan on his property, in any part of the country, has merely to produce an attested copy, signed by the Communal Authorities, of any entries in the register relating to it, which would give the position, extent, and value, of each separate piece of land composing such property, as well as the amount and nature of any previous loans and mortgages upon it. This copy would be kept by the company or individual lending the money, and the mortgage would simply be inscribed on the register in the locality where the property is situated. The whole expense of registry would be about 1 per cent. of the amount of the loan, and the expenses of the mortgage would besides, amount to $\frac{1}{2}$ per cent. on the first 100 florins lent, and $\frac{1}{4}$ per cent. on every succeeding 100 florins.

The following are the crops raised:—

A. In the winter field:—Spelt, wheat, rye, and rapeseed.
B. Summer field:—Barley, oats, wheat.
C. Fallows:—
a. a. Pulse, beans, peas, vetches.
b. b. Flax and hemp.
c. c. Potatoes, beet-root, chicory.
d. d. Tobacco (small quantities).
e. e. Clover, lucerne, green fodder.

Naked fallows are only on inferior soil.

Rotation of Crops.—Triennial farming or the tre-fallow system is almost without exception practised: that is winter-field, summer-field, fallow. It is only on large and inclosed properties that there other rotations, and such are more or less the same as those practised at the Agricultural College at Wohenheim, which are of three sorts,

A.
1. Vetches, strongly manured.
2. Rape seed.
3. Spelt.
4. Oats and vetches, for green fodder.
5. Beet-root, &c. (manure).
6. Barley.
7. Clover.
8. Spelt.

B.
1. Green fodder, maize, naked fallow (strongly manured).
2. Rape-seed.
3. Winter crops.
4. Beet-root (manured.)
5. Summer crop (barley, oats, &c.)
6. Red clover.
7. Winter crops (spelt, wheat, &c.)

C.
1. Rape seed.
2. Rye and spelt.
3. Clover.
4. Clover pasture.
5. Oats.
6. Pulse-potatoes (manured).
7. Rye and spelt, with white clover and grass seed.
8. Clover.
9. Clover, for green fodder.
10. Spring pasture, then fallow (manured, and grazed by sheep).

Seed is sown on the small properties by hand, broadcast; on the large farms in general drill-machines are used.

Stock on the small farms are, without exception, kept in sheds or stables, and fed with green fodder during late spring and summer and the beginning of autumn. In fact it is very rare that cattle are pastured in Wurtemberg. Flocks of sheep (kept principally for the wool, consequently mutton is bad) are driven about from place to place in some districts; and old custom, not yet obsolete, stills exists, that the shepherds have at certain seasons, particularly autumn, the right to pasture sheep on other people's property; this is much complained of.

The number of cattle in Wurtemberg has increased greatly of late years, amounting

in 1843 to 688,029; it increased in 1865 to 974,917. This increase is to be accounted for principally by the high price of butchers' meat, and the high prices obtained for cattle exported to the Rhine, France, and Switzerland, also the elevation in the price of milk, butter, suet, &c., and the simultaneous and still continuing depreciation in the price of corn.

This change in the relative prices of corn and meat has had the effect that the farmers find the production of beef, milk, and butter, more advantageous than tillage; there has, consequently been a great increase in the cultivation of fodder. Clover crops, together with the cultivation of fallows with herbage for fodder, have been, aided by the influence of the Agricultural Societies much extended, and with favourable results.

It may be safely declared that cattle breeding in Wurtemberg has advanced fully in proportion to the progress of agriculture in general, and that while the fall in the price of corn has necessarily diminished the profits of the farmer from the soil in respect to the cultivation, he will thus find a full compensation, and gradually the corn crops will become more and more restricted in quantity, while the green and root crops will be even more extended.

The land in cultivation increased from 1854 to 1864 to the extent 18,974 acres, of which one-third was from 1863 to 1864. The increase in crops, devoted especially or entirely to the maintenance of cattle, amounted, however, alone to 15,914 acres. As a large decrease was observable in the crops of flax and hemp.

The diminution of "naked or dead" fallows ("reine brache") in the same decennial period amounted to no less than 141,911 acres.

As to the proportion between tillage and grass lands it is in general that of 3 to 1. In the grass land must, however, be included the arable fields cultivated with green fodder, so that it may be laid down that half of the cultivated area is devoted to tillage, and half grass land.

The information with regard to the rotation of crops (which I obtained on a visit to the Agricultural College at Hohenheim) apply probably (at any rate the eight-field rotation) to heavy land.

8. The Department for Agriculture are using their best endeavours to encourage the use of machinery amongst the small proprietors. They have opened a permanent exhibition in the capital of agricultural implements, where farmers are able to order them at the cheapest possible rate, and where their uses and advantages are explained. As the small peasant proprietors hoe together in villages they are beginning to purchase the simpler sorts of machinery among them, on what may be called a co-operative system, and machinery is also let out for hire in some of the larger villages: but in most of the districts where the small properties exist, thrashing, fodder cutting, and drilling machines are the only ones to be found, and those very rarely; even the ploughs are of the most primitive description. On the larger farms corn is mowed; on the smaller, cut with a sickle.

The number of hired day labourers, properly so called, in the whole country amounts to 48,000, which would give an average of $\frac{1}{68}$ per acre. This is, however, of little value, as 70,000 sons of farmers and peasant proprietors, and 60,000 male and 50,000 female servants may be reckoned to a certain extent among the day labourers, as well as a great proportion of the small proprietors whose property is so minute as not to require their whole labour and that of their families.

The position of the day labourer in Wurtemberg may be considered as superior to that of the day labourer in most parts of England, for most of them possess a part of a house and a patch of land, if but one-fifth of an acre. His wages are from 1*s.* 2*d.* to 1*s.* 8*d.* per day and his food. His taxes, house rent, &c., amount to perhaps 1*l.* a-year; most of the necessaries of life are cheaper than in England, and the standard of living much lower.

Those who live with their employers receive:—males 5*l.* to 6*l.*; females 2*l.* to 3*l.* per annum.

9. Considerable numbers of the small proprietors emigrate yearly. As there is little positive distress among the agricultural classes, this is to be attributed more than anything else to the innate predisposition of the Suabian race to a wandering life and to enterprise; as well as to the fact that the large number of Wurtembergers who are settled in America under favourable circumstances, and who, taking into consideration the class from which they spring, are highly educated, carry on an extensive correspondence with the mother-country, and thus encourage their countrymen to emigrate. For the last two years also the new Military Law on the Prussian system has driven many youths of 18 or 20 to emigrate as a mode of avoiding the now lengthened term of military service. The restrictions imposed on marriage by the laws of the country, as

well as by the Communal Regulations, which do not permit a man to marry unless he has the means of supporting a family, act to some extent as an additional inducement to emigration, but less than formerly.

It is calculated that the number of Wurtembergers who emigrated to America from 1845 to 1865 amounts to nearly 200,000, of whom more than half men in the prime of life, and more than three-fourths grown-up persons.

In the decennial period from 1851 to 1861, the number of emigrants from Ireland amounted to about 1,200,000, and the population of that country may be taken at that period at 6,000,000, having varied from 6,500,000 in 1851 to 5,700,000 in 1861. The proportion of emigrants to the population was therefore that of one to five. In the same period the number of emigrants from Wurtemberg was, according to the above, made by Herr Rumelin (one of the most trustworthy writers on such subjects), at least 100,000, and as the population of the Kingdom may be taken as being then 1,600,000, the proportion of emigrants to the population was that of one to sixteen.

The average number of emigrants yearly, is however, about 4,000, but in the years 1853, there was an emigration of no less than 36,000 persons taken, for the most part, from the class of small proprietors and daily labourers, and which was the result of the four successive bad harvests in 1850, 1851, 1852, 1853, as since that period the average has fallen to the normal rate. The emigration in the two above-mentioned years 1853, 1854, was greatly encouraged by the Government, owing to the great distress prevailing, and as the census taken in 1855, showed a diminution in three years of about 65,000 in the population of the country, or more than 3 per cent. while the increase in the three years from 1843 to 1846 amounted to 46,000, it may be judged how sensible were the effects on the population of the years of distress.

The districts where the land is sub-divided to a great extent, were those which suffered the most severely in the six years from 1849 to 1855, inasmuch as the population of fifteen districts where the land is, without exception, held by small proprietors, was reduced from 400,000 in 1849 to 360,000 in 1855, being a diminution of 10 per cent. and from these districts the larger number of emigrants proceeded.

It may be remarked that there was during this period, little or no emigration or decrease in the population of Upper Suabia, where the whole country is occupied by large farmers. On the contrary, owing to the good effects of the abolishment of feudal tenures, and the then enhanced price of corn, these districts suffered imperceptably during the famine years, and the population progressed pretty much at the ordinary ratio.

10. It may be stated that the small proprietors, almost invariably live in the villages adjacent to their properties, in fact much inconvenience is experienced by the difficulty as well as loss of time in cultivating outlying pieces of land.

11. If twenty-two acres is taken as the average extent of each farm in Wurtemberg, some idea may be formed of the general circumstances of the farmer by the following calculation:—

The value of the yearly produce of each acre of cultivated land may be estimated at 33 florins, (including the value of green fodder in so far as it increases the profits of the cattle on the farm) which would make a total of 726 florins. From this, however, 30 per cent. must be deducted for primary expenses, for seed, maintenance and wages of labourers, support of the necessary horses or cattle, and for wear and tear of the stock, and agricultural implements, which would reduce the nett profits of the farmer on a farm of twenty-two acres to 508 florins. To this amount must be added, however income derived from many other sources, namely, the farmer's share in the not inconsiderable "Privat wald hesitz," or forest property, his participation in the profits of the numerous and important communal forest properties or "Gememde waldungen," his receipts derived from letting his waggons for hire, the rents derived from farming lots belonging to different neighbouring small proprietors, the very considerable profits of a poultry yard, and from various domestic employments, such as spinning-wheels, &c. Also profits made by at least one-fifth of the farmers: in the case of the larger, from breweries, tan-yards, public houses, corn-mills; and in the case of the smaller, from bakehouses, &c.

Taking all this into consideration, it will not be far below the mark, if the average yearly income of a small farmer and his family is reckoned at from 600 to 700 florins a year, besides the possession of his farm-house.

Writing in Germany, the small proprietors may be called well housed, well fed, and well clad, their standard of living being, however, it is true, very low. In the country potatoes form the staple food of the poor, and but little meat is consumed, the poorest, however, are hardly ever without rye-bread. In general, farinaceous substances being much used as food.

Large quantities of cyder, country wine, and beer are consumed by the labouring

classes, the average consumption of each man in the fields being from four to as much as eight quarts of cider per day. Much less beer is drunk than in Bavaria. The practice, however, of issuing cider or sour wine, in lieu of an equivalent value in wages does not exist, so that the labourer has not a quantity of bad, unwholesome drink forced upon him, as cider is in some parts of the South of England, which has the effect of giving as it were a public sanction to the constant use of intoxicating liquors.

The houses are generally large, solidly built, and very rarely in the case of small proprietors, isolated, but in villages, often at some little distance from the respective properties. The houses are indeed necessarily large, as the whole produce of the fields, hay, straw, corn, horses, cows, and live stock generally, is under the same roof. This practice is often the cause of great misfortune, as in the case of fire, all is generally lost, and the adjoining houses in the village endangered.

In estimating the standard of living, and the general circumstances of the small proprietors, it must be borne in mind that in Upper Suabia, parts of the Black Forest, and Danube district, the farmers are of a superior class; they and their families live habitually on meat; their clothing is of a good quality and their daughters may be seen wearing silk dresses.

12. The average population per acre in the Neckar district where the land is almost wholly held by small proprietors is one inhabitant to $2\frac{1}{8}$ acres, while the average population per acre in the districts where the cultivation is that of large farmers, is one inhabitant to every $4\frac{3}{4}$ acres.

The annual rate of increase in the population among the small proprietors amounts to about 0·64, while the urban population increased in the five large towns, Stuttgart, Cannstatt, Esslingen, Ludwigsburg, and Heilbronn, at the rate of 1·58 per cent., but taking the sixteen towns containing more than 5,000 inhabitants, it will be found that the urban population increased in forty years at the rate of 84 per cent, and a yearly increase of 1·9 per cent. is exhibited.

It is to be remarked, however, that the annual rate of increase of the population in the district where large farms are prevalent is only 0·25.

13. Wurtemberg is remarkable as the country where subdivision of land is carried to the greatest extreme, and the sad experience of yet recent years of scarcity have led public opinion to consider that the extraordinary number of small independent cultivators as the main cause of such misfortunes. One of the most distinguished writers on the subject argues, however, that the statistics give a false and exaggerated idea of the case. Allowing that there are 150,000 independent farmers, in the actual acceptation of the term, it is declared that the fact of the existence besides these, of 180,000 small proprietors of land, is attended by no evil results. The possession by almost every family among the rural population of a small piece of land from which they derive subsistence from their live stock, and vegetables, &c., for their domestic consumption, does not, it is declared, have any bearing on the question of small proprietorship and sub-division of the soil, but is only a peculiarity of social existence. That two-thirds of these 180,000 peasant cultivators have in reality in their hands a very small proportion of the cultivated area of the country, and that of the 4,043,000 acres of land devoted to agriculture, at least 3,500,000 must be considered as actually in the hands of the 150,000 farmers who according to this estimate possess on an average each a farm of 22 acres.

As far as the class of really small peasant cultivators are concerned, there is no doubt that the evils of small proprietorship are felt most sensibly. In the Neckar, and part of the Black Forest districts, there is hardly a commune without a number of dwarf properties, and many where there are no middle-sized properties as all, and where small properties possessing any sort of vitality are in the minority. In many communes, owing to want of sufficient area or the poverty of the soil, the inhabitants are unable to obtain a livelihood from agriculture, and the conditions of obtaining a livelihood from industrial pursuits are wanting, and consequently a redundance of population prevails. Such are most frequent in the fertile wine districts, and this may be accounted for by the fact that the cultivation of the vine by small proprietors, as is usually the case in Wurtemberg, necessitates, owing to the irregularity of the profits, the possession by the cultivator of at least sufficient garden or arable land for the maintenance of himself and family, so that he may not have to depend entirely on the receipts of his vineyard. This condition is very frequently wanting, especially in the narrow valleys with steep declivities where there is no room for arable land, and where the tillage of the land on the surface of the hills is attended with considerable difficulty. Villages in such a situation do not generally even supply themselves with bread, and suffer severely in years when the wine crop fails, which may often be the case eight or nine years in succession. The profits of a vineyard are, however, so considerable, that a good harvest every tenth year would almost make

up for nine bad years; the vine cultivators are, however, rarely provident enough to lay by a large sum out of the amount realized on the good year.

Speaking generally, however, the evils of small holdings are not so sensibly felt in Wurtemberg as, for instance, in Ireland, for though it may be alleged that their existence has a tendency to rapid increase of the population, while at the same to a decrease of the means of supporting it, yet the Wurtemberg peasants, who are a careful, thrifty race, and who do not cultivate the land in a slovenly manner, but make it, by careful though primitive labour produce as much as it is capable of producing are compelled, in the absence of any extensive industrial pursuits, to lean on the land for support, and look upon agriculture as a means of subsistence, and not at all as a means of employing capital to advantage.

The communal regulations which in a country of small proprietors cannot be considered otherwise than excellent, are intended to prevent marriage, except under certain restrictions, to act as a bar to an excessive augmentation of the agricultural population, and prevent the land being crowded by more human beings than are necessary to cultivate it, or than it can fairly support. Nor do the above regulations permit persons to settle in a commune unless they have means of subsistence. The laws imposing restrictions on marriage are, however, now carried out with great lenity in consequence of the opposition they have met with in the country, and they are about to be entirely abolished. It is probable, though, that their very existence may have had some effect on the steady yearly tide of emigration, and may account for the fact of the majority of the emigrants being unmarried.

In the next place, in Ireland, there are in most districts fences on the holdings which causes a loss which is estimated at as much as 6 acres in 100. In South Germany, on the contrary, the separation of the patches of land is marked by stones as landmarks, so that there is no space wasted, nor is the land disfigured as is the case where there are very minute holdings. The destruction or removal of these landmarks from their proper place is, it may be mentioned, punished very severely and rarely practised.

The climate also is not so uncertain as to necessitate as a rule great expedition or an unusual amount of extra labour in seed time and harvest, the necessity of which in Ireland is unfavourable to the small farmer, whose capital does not permit him to command either extra labour or machinery. The evil of small properties is also to some extent modified in Wurtemberg by so many of the small cultivators living together in one village which enables them to aid each other in the work of their farms, which introduces to some extent the co-operative principle, and gives them the advantage of making use of at least the elementary descriptions of machinery which have as yet been introduced in the country. It may finally be stated that public opinion has undergone considerable change of late years as to the advantages or disadvantages of the subdivision of property, especially since the competition of Hungarian corn has taken away the monopoly which South Germany formerly possessed of the Swiss market, and since its increased importation by the greater millers.*

The political economists are in general in this country of opinion that small proprietors who complete their means of livelihood by industrial pursuits are the class which it is most desirable to encourage, whereas formerly agriculture on a large scale was considered the most profitable. The laws in themselves, by the equal division of paternal property, act in favour of the perpetuation of the system of cultivation by small proprietors, except in the districts added to this kingdom in 1803, where, owing to the relative inferior fertility of the land large farms are a necessity, and where the subdivision of properties would, owing to the absence of industrial pursuits, be the ruin of the whole district. The Wurtemberg Government have never, however, thought fit to make any modification of the written law, though owing to reasons of political economy, they never in those districts enforce it, and so far from appealing to the laws of the country for protection the farmers are content even on the death of one of their order intestate to let matters be settled as they have been for generations past, which consists in a meeting being called of the heirs of the deceased, and of a deputation of the Communal Council ("Gemeinde Rater"), composed of the principal farmers, together with the notary public—termed the "Waisen Gericht," who declare with the assent of the heirs that the property of the deceased shall be assigned to the eldest (or in Hohenlohe, the youngest) son, the others receiving small portions at the discretion of the "Schultheiss" or magistrate of the parish (usually selected from the "Hofbauern" or large farmers). Such portions do not however even amount to the "Pflicht Theil,"* or portion they could legally claim.

The notary public draws up a *procès-verbal* of the settlement, and the signatures of those present give it the validity of a contract.

* See note to answer to Queries 1 and 2, Division (A).

Public opinion has never pronounced itself very decidedly upon this custom, but there is little doubt that it would be difficult to disturb it.

(B.)—Tenants and Sub-Tenants under Landlords.

Tenure.

1 and 2. The smallest quantity of land held by tenant farmers would, as a rule, be from 50 to 100 acres; their farms are, however, for the greatest part, from 100 to 250, or even 500 acres in extent. But there are very few tenants in Wurtemberg, and those chiefly on land belonging to the State, the Royal Family, and the great landed proprietors among the nobility, in so far as such land is not occupied by forests, which, without exception, are never let.

The State property, exclusive of the forests, consists of about 17,000 to 18,000 acres, and is divided into about fourteen large, and some smaller farms, of which:

	Acres.
Arable land	10,000
Grass or meadow	7,000
Garden	644
Vineyard	77

The whole of it is occupied by tenants, to whom it is let, in general, on long leases (as a rule, eighteen years), by public auction, the administration not, however, binding itself to accept the highest bid. Sub-tenancies are not permitted, inasmuch as the administration attaches the greatest importance to the character, agricultural education and antecedents of the tenants who have, in the case of the larger farms, to deposit a security for the due fulfilment of the conditions of the lease as to artificial manuring, mode of cultivation, amount of live stock, &c. The properties of the mediatized Princes and the large landowners are administered on the same system; though in all these cases isolated or outlying pieces of land are exceptionally let out to small proprietors in the neighbourhood, but on short leases.

In the event of the sale of the property, the tenant, should his lease not be renewed, could claim compensation from the heirs for any improvements which he may have made under the idea that he would occupy his holding for the full term.

For as the *bonâ fide* sale of land or house property renders (in the absence of a previous specification to the contrary) all existing leases null and void, the tenant can claim compensation on account of his improvements or his labour rendered unproductive from having to resign his tenancy.

A tenant, therefore, occupying a holding after a change of proprietorship would, unless with a fresh lease, become a tenant-at-will, liable to be ejected at three months' notice. In most cases, however, the consequences of the death of any individual proprietor, or the sale of the property, are settled previously by contract.

3. Tenancies are always created by written agreement. In exceptional cases of absence of such agreement the law would in no way interfere as to the duration of tenancy, and the farmer would be considered a tenant-at-will, and would be obliged to quit the next term after receiving notice.

4. There is no system of registering in any public office agreements as to tenancy.

5. This question, probably, applies to cases of tenancies renewable from year to year. Of course in the previously-mentioned cases of long leases the tenant remains in possession so long as he fulfils the conditions of the contract. Before its expiration the tenant could only be dispossessed upon gratuitous deterioration of the property being proved before the Law Courts, by whom he would be rendered responsible.

6. No such custom exists in Wurtemberg.

Rent.

1. The payment of rent is always in money, and not in a share of the produce. It is, however, nearly always the custom, when the proprietor or landlord is resident on or near his property, that the tenant supplies him with whatever milk, eggs, butter, fruit he may require personally for the use of his house, as well as forage for his horses and manure for his gardens. These are, however, matters of detail and previous arrangement.

2. The rent is fixed by competition, or else by agreement with the tenant; it is generally payable half-yearly, but in some few cases yearly.

3. The proprietor has no right to raise the rent. Should it not be paid on the

proper day he gives notice to the authorities of the commune; the tenant then is given a term of thirty days within which he must fulfil his obligation. Should he contest it the proprietor has no resource but a law suit. Should the tenant not contest his obligation to pay the communal authorities would levy an execution on his effects. Should it not be specified in the contract that non-punctual payment of the rent during one year puts an end to the tenancy, the law provides that non-payment during two consecutive years is alone sufficient to such end.

Evictions.

1. Information upon this subject has been already given under the previous heads.

Improvements.

1 and 2. The landlord can only compel the tenant to keep the buildings in proper repair, and in general to keep the property in order. The buildings are almost always erected by the landlord.

3. Improvements made by the tenant if moveable may be taken away; for such as are not of that description he may claim compensation is so far as the actual value of the property for any subsequent tenant is thereby increased.

4. Should the landlord and tenant not agree as to the value of such improvements the tenant would be compelled to bring an action against the former.

5. The tenant can in no way mortgage his tenancy, but he can on his personal security, or that of his friends, obtain money for any improvements he may consider necessary from the companies mentioned in the answer to Query A 4, who enjoy no special rights with regard to tenants.

* * * * * * *

Improvements of any considerable description, such as drainage, inclosing, &c., are undertaken by the landlord, who, however, generally (in the State properties) claims the yearly interest on his outlay from the tenant. With regard to improvements even in the nature of fixtures in the farm buildings made by the tenant, he is only compelled to leave such buildings in the state in which he found them.

Miscellaneous.

1. The relations between landlord and tenant are always regulated by compact, and the rights of both parties are fully protected by law, nor is any legislative interference required for the better protection of tenants.

2. The tenants upon the larger estates belong, as a rule, to the educated classes; they employ machinery, and their mode of cultivation is on a par with that of large farmers in England. An allusion to their mode of cultivation is made in the answer to Query 7 A.

3 and 4. Owing to the very limited number of tenants in Wurtemberg, Query 3 cannot be answered with any precision.

They do not, except in isolated cases, emigrate.

5. The general feeling is against the existence of tenancies, as it is considered that many tenants try to draw as much as possible out of the land during the last three or four years before the termination of their leases. Owing to the inconsiderable number of tenancies it cannot be said that there is any prevalent public opinion on the subject.

6, 7, 8, 9, and 10. The legislature never has been called upon to interfere between landlord and tenant, the relations between whom are on a thoroughly satisfactory footing.

All these questions, as well as that relating to the tenures resembling the copyholds in England, have been answered as far as possible in the previous portion of this Report, where a sketch has been given of the progress by which the small proprietor class has been in the last thirty years created, as well as the system on which the proprietors or landlords were compensated for the limitation made in their feudal proprietary rights by the abolition of feudal tenures, and the system, which was one which of course tended to increase the number of owners and freeholders is, as above mentioned, still in force; and also (in answer to Query 10) that public credit assisted to a very great extent the holders under feudal tenures to become independent proprietors.

11. The laws favour the dispersion of property, in so far that the custom of dividing the paternal property equally among all the children is the only one sanctioned by law. As already stated, the accumulation of land in one hand has become a fixed custom in Upper Suabia, Franconia, &c., and one so time honoured that it has overridden the actual written law.

It may be remarked, however, that the districts where this custom is prevalent are generally those which belonged to other States, and did not integrally form part of the Kingdom of Wurtemberg.

Appendix (A.)

Table (A.)

	Acres.
Total area of Wurtemberg in acres (German)	6,188,252½
Arable land	2,628,337
Meadow	881,607
Garden	121,504
Vineyard	82,921
Pasture	266,931
Forest	1,919,311
Uncultivated area	259,718
Of which, waste land	83,263

Table (B.)

Return of cereal crops (in 1864)	1,644,148
Of green crops—	
Potatoes	207,287
Turnips and beet	74,046
Cabbage	19,014
Clover	272,640
Beans, peas, &c., and other crops	84,340
Flax, hemp, &c.	98,755
Fallow	391,138

Table (C.)

	Per Acre. Fl.	£	s.
Estimated value of arable land	225 =	18	10
Meadow	335	28	0
Garden	450	37	10
Vineyard (more than)	500	41	0
Pasture	60	5	0
Forest	120	10	0

Table (D.)—Estimate of Live Stock in Wurtemberg, January 2, 1865.

	Value per Head.	Total Number.	Total Number to every 100 Inhabitants.
	Florins.		
Cattle	100	974,917	56
Horses	150	104,527	6
Sheep	8	703,656	40
Pigs	20	263,504	15

Total value of live stock to every 100 inhabitants, 6,428 florins.

Table (E.)—Estimate of Population.

Number of inhabitants in 1861	1,720,708
Male	830,192
Female	890,576
Number of paupers	16,160

Table (F.)—Estimate of Taxation.

	Florins	kr.
Land, income, house, and trade tax	2,985,295	0
Taxation to 1 square mile	8,426	0
Taxation to each head of population	1	44
Acres of land taxed	4,891,972	
Land tax per acre	0	26

Appendix (B.)

Management and Appropriation of Timber.

All forests in the Kingdom of Wurtemberg are, in accordance with the forest laws (which have been in force since 1614), placed under the control and police of the State forest officials. In compliance with these regulations the Corporations of the respective communes are required to have their forest accounts and plans kept by competent persons; besides which, it is the duty of the forest inspector to designate the wood which should be felled in the forests belonging to the communes and foundations, as well as generally to superintend the management and appropriation of the revenues of such forests. On the other hand, some modifications have of late years taken place in the superintendence exercised by the State over the private forest proprietors, in so far that the forest inspectors are authorized to give written permissions to such proprietors to fell wood without personal examination of their forests, especially when such inspectors are prevented by their other official duties from making their inspections at the convenience of the proprietors; besides which, the latter are not restricted in their mode of management, in so far as being able to fell wood for their personal requirements, without any permission from the inspector.

The forest officials and guards are well paid, and organized on a military system. They have the right of trying and punishing all offences against the forest laws, and which in 1848-49-50 amounted to no less than 75,000 per year. They have now diminished considerably. Communes and all forest proprietors are entitled at a reasonable cost to place their property under the guardianship and tutelage of the Government forest guards, when not prevented by their duties from undertaking it.

The forest area of the country is divided as follows:—

	Acres (German).
State	592,825
Royal	17,668
Communal	548,603
Foundations	52,556
Mediatized Princes and nobility	243,827
Corporations or Companies	52,557
Private	372,394

Of the whole area of the country no less than 30 per cent. is occupied by forests (being about 1 acre per head of population), somewhat less than in the neighbouring States, as in Bavaria the forests occupy 34 per cent. of the whole surface, and in Baden 33 per cent.

The timber belonging to the State forests is sold by auction in the respective districts on fixed days; that belonging to the communes is, when felled, divided among the members of the commune, who must fetch it away on the appointed days.

Mr. Phipps to Mr. Gordon.

Sir, *Stuttgardt, November* 26, 1869.

I HAVE the honour to forward to you for transmission to the Foreign Office a Report, which, in accordance with your instructions I have drawn up, with regard to the laws and customs affecting the tenure of land in Wurtemberg.

Without omitting the points noticed in the body of Lord Clarendon's circular of August 26, I have endeavoured to condense such information as I am able to supply under the heads of the respective queries inclosed in that circular. I regret, however, that the information under head B is, as explained in the Report, necessarily so imperfect, owing to the very limited number of tenants in this country, and those of quite a different class to the Irish occupiers of land.

I have not found it necessary to avail myself of the permission given in the circular of the 23rd September to charge any expenditure incurred by me in visiting any particular districts, as I have obtained my information partly from persons who have been resident in districts where any special customs may exist affecting the tenure of land, and partly from investigations made in the Neckar District, in the immediate neighbourhood of this capital, and at Uohenheim. It is possible, however, that I may have to ask your permission to charge some small consultation-fee, which may be expected by a gentleman from whom I have obtained some information on legal points, also the expense which I had necessarily to incur in consulting works on the subject in question, amounting however only to a few florins.

I have, &c.

(Signed) E. CONSTANTINE H. PHIPPS.

No. 9.

Mr. Gordon to the Earl of Clarendon.—(*Received December* 22.)

My Lord, *Stuttgardt, December* 18, 1869.

I HAVE the honour now to forward, herewith, Mr. Baillie's despatch covering his Report on the Tenure of Land in the Grand Duchy of Baden, the latter of which reached me in its present state last night. The earlier date of Mr. Baillie's covering despatch is accounted for by its having been necessary to return to him the Report for the correction of certain inadvertencies which it at first contained.

Not being resident in the Grand Duchy, I am not competent to add anything material to the above report, but in reading it over, the following remarks occur to me with regard to a few points referred to therein.

Near the opening of the Report, under the head of "Population," Mr. Baillie states the fact of the great increase of emigration since 1865, and seems to attribute it, as well as the greater decrease of the male, as compared to the female population, chiefly to bad harvests and industrial distress occurring after the American war.

The same phenomenon was manifest in this country at the above period, as has been reported to your Lordship in my despatches of last autumn, as well as in Mr. Phipps' Land Tenure Report. But both the latter gentlemen and I have seemed to perceive its chief cause in the Prussian War of 1866 and of the more stringent conscription Regulations introduced, in consequence, into the South German States. I cannot but believe, that to this cause is mainly to be attributed the late increase of emigration from Baden, also in which country the conscription and military obligations of the population have been settled since 1866 on a more stringent basis than in any other of these countries.

The curious facts adduced by Mr. Baillie of the Baden emigration into the neighbouring German States and of the lower proportion of men to women in the Grand Duchy, during the above years, as compared to former periods, as well as the age of fourteen, above which this decrease in males is observable, all seem to confirm the explanation of the above which the correspondence from Stuttgardt had given rather than what appears the wholly insufficient one offered by Mr. Baillie.

Under the title "Credit Institutions," Mr. Baillie reports the frequent indebtedness of the Baden small proprietors. In Mr. Phipps' Report, the contrary is stated to be the fact in Wurtemberg and inquiries which I instituted on the subject, because, I confess, I supposed him to have been misinformed, fully confirmed Mr. Phipps' statement. This difference of pecuniary Condition among the same class in two adjoining States of such similar material character is curious and requires explanation.

Mr. Baillie's Report, title "General Condition of Small Proprietors," as to the tendency of public opinion, with regard to the advantages of small holdings, agrees essentially with that stated by Mr. Phipps to prevail here, confirmed as it seemed to be, by the views of Baron Varnbüler, which I had the honour to report in my despatch transmitting his Report.

There is another remarkable difference between Wurtemberg and Baden custom on the point of subletting, which in the former State, as reported by Mr. Phipps, is only permitted when expressly stipulated in the lease, whereas in the latter it is, on the contrary, always allowed to the tenant, except when expressly prohibited. Perhaps the prevalence in Baden of the Code Napoleon may account for this discrepancy.

Mr. Baillie makes no reference in his Report to the Forests and Forest-management in Baden, although it is a species of culture, under which, probably, a much larger proportionate area is submitted in the Grand Duchy than in this Kingdom. But as the period for transmission of his Report has been so much delayed I do not like to detain it longer on this account.

At Mr. Baillie's request also I do not delay forwarding his Report for certain information which he expects to receive as to the rotation of crops and which will be sent as soon as possible.

I have, &c.
(Signed) G. J. R. GORDON.

Inclosure 1 in No. 9.

Mr. Baillie to Mr. Gordon.

Sir, *Carlsruhe, December* 9, 1869.

I HAVE the honour to forward to you herewith my Report on the Tenure of Land in Baden, and also a copy of a Report issued by this Government on the number and condition of the live stock in this country.

I have only further to express my regret that owing to the difficulty of obtaining the necessary information I have been unable to send in my Report sooner.

I have also the honour to mention to you that Baron Freydorf has expressed to me the hope that Her Majesty's Government would be good enough to place at the disposal of the Baden Government one or more copies of the collection of Reports on Land Tenure whenever they shall have appeared in print.

I have, &c.

(Signed) EVAN P. M. BAILLIE.

Inclosure 2 in No. 9.

Report respecting the Tenure of Land in the Grand Duchy of Baden.

Population.—ACCORDING to the census of 1867, the resident population was as follows:—

		Per cent. of total Population.	Increase or Decrease.	Per cent.
Males—				
Above 14 years	482,967	33·65	—3,187	—0·66
Below 14 „	217,654	15·17	+3,384	+1·58
Total	700,621	48·82	+197	+0·03
Females—				
Above 14 years	518,030	36·10	+1,816	+0·35
Below 14 „	216,319	15·08	+4,922	+2·33
Total	734,349	51·18	+6,738	+0·93
Both sexes—				
Above 14 years	1,000,997	69·76	—1,371	—0·14
Below 14 „	433,973	30·24	+8,306	+1·95
Total population ..	1,434,970	100·00	+6,935	+0·48

The population increased very slowly in the period from 1864 to 1867. The increase has only been 0·48 per cent., or an annual average of 0·16 per cent., whereas from 1861 to 1864 the average annual increase was 1·46 per cent., and from 1811 to 1864, 0·83 per cent.

The cause of this slight increase is undoubtedly emigration. Bad harvests, and various circumstances unfavourable to industry gave rise to a very considerable emigration immediately after the termination of the American civil war.

The official lists for 1865 show 2,735; for 1866, 3,030; in 1867, 3,386: altogether 9,151 emigrants. The number of Baden subjects, however, who secretly leave the country without thereby renouncing their nationality must be placed at a much higher figure, and the total number of all the persons who emigrated during the period 1865–67 may be reckoned at 25,000.

The excess of births over deaths in 1865 was 12,237; in 1866, 15,649; in 1867, to about 15,000: altogether about 43,000.

Immigration, including naturalized persons, in 1865, 419; in 1866, 257; in 1867, 308: altogether 975. Therefore, deducting the emigration of 25,000, there must still have been an increase of population of about 19,000. The returns, however, only show about 7,000, leaving about 12,000 souls to be accounted for.

A slight increase (2,872) in the number of foreigners in the Grand Duchy is observable.

The discrepancy, therefore, has reference solely to Baden subjects. In fact, it is evident, from the concurrent statements received from various parts of the country, that the number of Baden subjects residing temporarily in the neighbouring countries has

increased, and this increase probably amounts to about 15,000 (namely, the above 12,000 the increase of foreigners).

This kind of drain on the population is also the result of circumstances either general or local, affecting industry and the means of earning a livelihood.

In confirmation of the above supposition it is to be observed that the male population increased much less than the female.

There is, in fact, a decrease in the number of males above 14, who would naturally be the first either to emigrate or to leave the country temporarily in order to better their condition.

The average annual proportion of men to women from 1830 to 1864 was 100 men to 104·9 women. In 1864, the proportion fell for the first time below 104 to 103·88, and has now again risen to 104·81.

Religion.

	1864.	Per cent. of total Population.	1867.	Per cent. of total Population.
Evangelical	470,443	32·94	475,918	33·17
Catholics	929,860	65·11	931,007	64·88
Menonites	1,388	0·10	1,319	0·09
Other Christians	1,165	0·08	1,116	0·08
Jews	25,234	1·77	25,599	1·78

The population of the towns was 383,001 (26·7 per cent.).

That of the country, consequently, 1,051,969 (73·3 per cent.) The former has increased by 12,123 souls since 1864 (3·27 per cent.), the latter decreased by 5,188 souls (0·49 per cent.)

The number of communes is 1,624, and inhabited houses 286,071, in 1864, 282,069, showing an increase of 4,002, or 1·42 per cent., annually.

Land Occupation.

The superficial area of the Grand Duchy consists of:—

	Morgen.	Per Cent.
Arable land	1,525,000	35·6
Forests..	1,411,000	32·9
Meadow land	440,000	10·25
Roads, water, &c.	440,000	10·25
Pasture	300,000	7·0
Vineyards	60,000	1·4
Gardens	40,000	0·9
Waste lands, quarries, turf fields	22,000	0·5
Lake of Constance	51,000	1·2
	4,289,000	100·0

The Baden morgen contains 3,600 square mètres.

The pasture lands are communal property, and are used in common by the citizens of each commune. About 40 per cent. of the population are employed exclusively in agriculture, 3 to 6 morgen correspond to each person of the exclusively agricultural population, and 18 morgen to a family, the family being reckoned at five souls.

The total number of persons who cultivate the soil is, in reality, much larger.

Many factory workmen, artizans, dry-labourers, and others engaged in industry, combine agriculture with their other occupations.

There are many landed estates belonging to the State, to communes, foundations, corporations, mediatized Princes, large and small proprietors which are not farmed by the proprietors themselves, but are let to tenants, generally in small holidays.

Agriculturists, day-labourers, and the so called "Halb banern" (usually half peasants), have thus the means afforded them of renting patches of land, and eventually, by diligence and economy, raising themselves to the condition of independent proprietors.

The land in Baden is generally very much sub-divided. Large estates are rare.

There is, however, a certain class of landed property, especially in the Odenwald Black Forest, and the thinly populated district north of the Lake of Constance, called "Hofgüter," which cannot be divided, and which descend from the proprietor to his heir

according to a fixed law of succession, and under certain conditions as regards the provision for the other children when the family consists of more than one son or daughter.

The average size of small holdings in the Valley of the Rhine and in the Lower Hill districts is abont $\frac{1}{2}$ morgen, in other parts $\frac{3}{4}$ morgen.

There are 111,300 independent farms, on which cattle for tillage are employed, and 2,940 without cattle, altogether 114,244.

In the plain, and on the hill slopes where the vine is chiefly cultivated, the size of a farm capable of supporting a family is from 5 to 7 morgen. If the family consist of three members capable of labour, they can farm 8 to 10 morgen.

In the mountain districts 20 to 50 morgen are needed for the support of a family, and 50 to 60 the extent they can farm.

Day-labourers are engaged when the farm attains the size of 12 morgen. On farms of 65 to 70 morgen, servants, servant-girls, and assistants are also required.

Over the arable land alone, 13·29 morgen correspond to each farmer employing cattle for tillage.

Number of cattle employed for tillage in 1867 :—

Horses	57,861
Oxen	56,086
Cows	145,513
Total	259,460

Of the 111,700 proprietors of cattle :—

11,742	or 10·55	per cent. employ	1 ox or cow.
12,741	or 11·45	„ „	1 horse.
48,222	or 43·33	„ „	2 oxen or cows.
8,720	or 7·83	„ „	2 horses.
8,845	or 7·95	„ „	3 oxen or cows.
1,725	or 1·55	„ „	3 horses.
7,384	or 6·63	„ „	4 oxen or cows.
704	or 0·63	„ „	4 horses.
1,010	or 0·91	„ „	5 oxen or cows.
2,243	or 2·02	„ „	2 oxen or cows and 1 horse.
1,704	or 1·50	„ „	2 oxen or cows and 2 horses.

The above Table shows 103,040, or 94·35 per cent. of the total number of proprietors of cattle for tillage. In addition to these, 298 employ 8 to 12, 50 employ 12 to 20, 19 employ 20 and more animals for agricultural operations.

As one such animal corresponds to 8·80 morgen of arable land, it is evident that by far the greatest number of farms in Baden do not extend over more than about 9 morgen (65 per cent.). Farms of 200 to 300 morgen belong to the class of large farms. Farms 1,000 morgen and upwards are rarely met with.

The land is not occupied by tenants under proprietors as a general system in Baden.

Farmers do not form a special class. Both large and small proprietors frequently farm their own land, and day labourers, as well as persons engaged in trade and industry, rent patches of such a size as they consider likely to yield the best return for the time and labour they are able to expend on their cultivation.

(A.)—Small Proprietors.

Law of Descent.—Upon the death of a proprietor, the land is usually divided equally among his heirs, not, however, to an extent below $\frac{1}{4}$ morgen, that being the limit fixed by law.

In the case of difficulties about division arising, the property is sold by auction.

The above-mentioned "Hofgüter" form an exception to the general rule as regards inheritance. This class of property descends to the youngest son, or in default of a son to the eldest daughter.

The inheriting farmer is bound to provide for his brothers and sisters according to a certain customary rate, namely, four-fifths of the capitalized value of the estate. These latter usually remain as servants on the farm.

Transfer of Land.—The transfer of land, whether by sale, gift, inheritance, or exchange, in order to be legally effected must be registered by the authorities of the Commune ("Gemende Rath") in what is called the "Grand Buch" or "Pfand Buch."

The State levies a tax on the purchase and sale of land ("Kauf accise") of 2½ per cent. of the purchase price (1½ kreutzers on the florin).

The purchaser has in general to pay this tax, as well as the small dues for registry.

Exemption from the tax is allowed when landed property is transferred from ancestors to their descendants, from husband to wife, or wife to husband; when inherited by a wife from a deceased husband, or husband from a deceased wife; when made over to public, benevolent, or educational institutions; when the consolidation of small holdings effected according to law gives rise to a change of ownership. If a claimant entitled to any property obtains the same by means of a forced sale by auction up to the amount of his claim.

Credit Institutions.—There are no special facilities afforded for raising loans upon landed properties either from Government or special public companies or banks aided by Government, it being altogether opposed to the principles of the Baden Government to afford State help to institutions of that kind. A variety of co-operative associations, however, exist in the country founded on the Schulze-Delitsch system, of which the great principle is that of self-help,—such as loans associations, credit unions, productive associations, consumption associations, savings banks, &c., all of which are very useful in promoting credit and general prosperity of the labouring classes.

The principles upon which such associations are formed, and which are to be met with everywhere in Germany, have been already so largely reported upon that I need not enter upon that subject here.

In spite of all that has been done, and is being done to aid the small farmer, he, nevertheless, frequently gets deeply into debt, especially those of them who have a strong propensity for speculation.

Many of these small farmers, impelled by an ardent desire to increase the size of their holdings, purchase land and trust to their skill and economy and to good harvests to enable them to pay off the purchase money within the stipulated period. If the harvests happen to turn out unfavourably, or the burden they have imposed upon themselves is too heavy, they soon find themselves in difficulty, and often in great distress. After a series of bad harvests, the bankruptcy of these farmers is by no means an uncommon occurrence.

The condition of the larger farmers and proprietors of the "Hofgüter" is, however, often not much better than that of the others, though the causes which operate in bringing them into that condition are not exactly the same.

The prosperity of both is, indeed, mainly dependent upon the result of the harvests; but the large farmer has to employ a number of hired labourers and assistants, and it not unfrequently happens that owing to a rise in the rate of wages, together with a diminution of the amount of work performed, he finds himself in a position of embarrassment and wretchedness out of which he cannot easily extricate himself.

Rate of Interest.—The usual rate of interest is 5 per cent.

Crops Cultivated.—The average cultivation of crops in the Grand Duchy from 1865 to 1688, was as follows:—

	Morgen.		Morgen.
Wheat	87,231	Hops	4,235
Spelt	237,013	Chicory	3,534
Rye	112,408	Beetroot	7,114
Barley	153,184	Turnips	49,343
Oats	136,847	Potatoes	202,433
Maize	7,214	Topinambur*	1,504
Mixed fruits	80,982	Clover	187,501
Peas, beans, &c. ("Halsenfrüchte")	9,818	Green fodder	10,088
Oleaginous crops	21,662	Buckwheat	1,584
Hemp	24,964	Millet	161
Flax	3,813	Cabbage and vegetables	7,301
Tobacco	20,110		

I inclose two statistical papers published by the Government, giving an account of the crops cultivated in the different districts of the country in 1868 and 1869.

Live Stock.—An account of the number and condition of the live stock in Baden may be seen in an elaborate Report issued by the Baden Government, and which accompanies this paper.

The cattle of the small farmer and middle man are fattened in stall. In summer they are fed on green fodder, in winter on hay, turnips, oats and potatoes. Grass lands are only met with in the mountains.

The larger farmers usually keep their own breeding bulls. The smaller cattle proprietors have recourse to the Commune where good bulls are maintained at the rate of one to eighty cows.

* Jerusalem artichokes.

The State exercises a strict supervision over the Communes in regard to the condition of their cattle.

Machinery.—Machines for cutting hay and roots as well as threshing machines, are used in aid of manual labour. Generally mowing machines have been introduced on trial, but have as yet made but little progress.

Female Labour.—Women are employed in all branches of agricultural labour, especially for watching the domestic animals.

Wages.—The daily wages of the agricultural labourer are:—

	Kr.	Fl. kr.	Average.
For men, without board	24 to 1	30 ..	48 kreutzers
For women, „	15 to 1	0 ..	36 „
For men, with board	12 to 1	0 ..	30 „
For women, „	5 to 0	36 ..	20 „

Emigration.—The emigration of hired day labourers is not very considerable, they generally wait until they have acquired a certain amount of property, and part of their children are dismissed from school.

In 1867, 2,386 peasants emigrated with 1,161,437 florins;

In 1868, 2,816 emigrants with 736,120 florins.

The above has reference only to the emigration recognized and often assisted by the State ("Amtbike Auswanderung"). Many emigrate secretly without giving up their nationality.

General Condition of Small Proprietors.

These proprietors usually live in villages adjacent to their properties. "Hofgüter" are, however, to be met with more or less in all parts of the country where the proprietor resides on his farm.

They are clad in woollen and cotton stuffs, inhabit solidly built houses, with windows, stoves, and chimneys. The sitting and bed-rooms are generally separate. The rooms contain wooden, mostly unstuffed furniture. Their food is bread, milk, potatoes, vegetables, salad, peas, beans, pork; occasionally beef or mutton.

The inhabitants of the Grand Duchy consume annually on an average each 50 lbs. of meat (therefore, about 1 lb. a week), and of this 29 lbs. are pork. Pork is especially the food of the country districts. In the vinegrowing parts, wine is the chief beverage. Cider and beer are also used. In the mountain districts, spirits. In some parts fermented liquors appear only occasionally on the peasant's table, in others again in profusion.

Coffee is much used, mixed with a preparation which the chicory manufacturers bring into the market under the name of "Surrogat." It consists of dried and pulverized pieces of carrots, beetroot, chicory root, and roasted rye.

This "Surrogat" is mixed in larger or smaller proportions with the coffee, and may be regarded as a staple article of food for the people both in the country and in the towns.

The mixture is boiled and drank with milk, with the addition sometimes of sugar. In hay making and harvest time, the peasants often take with them to the fields a cask containing a strong decoction of coffee and surrogat diluted with water, and bury it in the ground to keep it cool until required for use.

The small peasant proprietors do not differ from the larger proprietors in respect to their dwellings, clothing, mode of living, or education. Both enjoy the advantage of the same schools and instruction in their youth, and take part in the same way in all the affairs of public life. They cannot be said in any way to form a distinct class. On free days they may be seen working in company with the day labourers on the larger farms. At other times they are employed in the cultivation of such crops as hemp, tobacco, rape seed, beetroot, &c., on patches of land for which they pay a small rent; or in any labour or service which yields them some return, and thus by continuous and vigorous exertion, they often attain the object of their ambition—namely, to become large proprietors.

There is said to be a larger proportion of active and intelligent farmers among the cow peasants, as they are called ("Kuhbaueru"), that is those who employ cows for the tillage of their fields, than among the richer peasants. The cow peasants often live better and more economically than the others, especially when the latter are obliged to keep a number of servants and assistants.

There is, I believe, no doubt that since the revolution of 1848, there has been a great improvement in the houses of the peasants in their mode of living, and in the cultivation of the soil, and their present condition must, on the whole, be regarded as favourable in respect to their means and general well-being.

The views of statesmen and philosophers, as to the advantages of a large number of small peasant freeholders, are, as might be expected, very divergent.

The prevalent public opinion is that the system of small freeholds tends to promote the greater economical and moral prosperity of the people to raise the average standard of education, and to increase the national powers of defence and taxation.

It seems to be a generally established fact that the small farmers realize larger returns than the larger farmers do from the same number of acres, and the result is that large properties and large farms are disappearing, and being parcelled out among a number of small farmers. In fact, the price of landed properties is determined less by their intrinsic value than by the possibility of selling or letting them in small holdings.

Certain crops, such for instance as tobacco, are wholly unsuited to a system of "grand culture."

Dr. Mährlen, in his Treatise on the Taxation of Tobacco, says:—

"The cultivation of tobacco requires a great deal of labour, which labour is divided into more than twelve different branches, all of which demand constant supervision and care. The small farmer then avails himself of the energies of all his family, for even children can be employed in various minute operations."

He then goes on to say: "The same reasons which recommend the culture of tobacco to the small farmer deter the larger farmer from undertaking it. Even when the latter has got sufficient manure, labour is too costly, for he is obliged to employ strangers to perform it. It is only when he is able to raise the best and most valuable qualities, when he has at his disposal thoroughly competent planters, who plant his field by contract, and know how to treat the produce, that it can pay him to cultivate tobacco. Tobacco is a peculiar product, which is as little suitable for farming on a large scale, as garden or other produce requiring continuous superintendence and labour.

"There is nothing a large farmer has so much to dread in South Germany as a heavy wages account."

(B.)—Tenants and Sub-Tenants under Landlords.

Tenure.

The duration of leases is three, six, nine, twelve, fifteen, and eighteen years; the largest proportion nine to twelve years.

Sub-letting is generally admissible, if not specially forbidden by previous agreement.

When a lease is granted it is the usual practice for a landlord to enter into a contract with the tenant in which the duration of the lease is stipulated; if there is no such contract the law provides that the lease shall last for such a time as is necessary to enable the tenant to reap the full benefit of the land that he rents.

Thus on vineyard or pasture lands the period is fixed at one year; on arable lands for as long as the ordinary rotation of crops lasts.

There is no system by which a written agreement may be registered, nor is there any law or custom under which a tenant is considered as having a right to remain in occupation of his holding as long as he pays his rent, or to sell his interest in his farm.

Rent.

Rents are generally paid in money, and only occasionally in produce.

In the tobacco districts a system called "Antheilsbind" (the French métayer system) is usual. The proprietor of the land ploughs and dungs the field, the labourer furnishes the plants and performs all the necessary work in return for from one-third to one-half of the raw produce.

In the wine districts the labour is also sometimes remunerated by a fixed share in the wine produced.

Rents are generally regulated by competition. When small, the payments take place once a-year, on November 11, when more considerable twice a-year (February 2 and April 24).

The landlord has no power of raising the rent during the period of the lease or to evict the tenant by his own authority in case of non-payment or breach of covenant. The Courts of Law alone can give effect to the conditions of the lease.

The privileges of the landlord over other creditors are regulated by the Provincial Law which is a translation of the French "Code Civil."

Evictions.

The Provincial Law above mentioned determines the cases which justify the annulment of a lease ; but under all circumstances the sentence of a Judge in a Court of Law is necessary before the contract of lease can be cancelled.

Evictions are rare occurrences in Baden. When such an event does take place, it is generally owing to the tenant possessing too small an amount of capital to enable him properly to cultivate his farm, or to losses from cattle disease (*Pleuropneumonia exsudativa*).

Improvements.

Improvements (especially buildings) are executed by the landlord. It is the tenant's business to keep the buildings in proper repair. The mutual obligations of landlord and tenant in this respect are generally regulated in the Contract of Lease.

Before a lease is granted the tenant is usually required to show that he possesses an adequate amount of capital or to furnish security for the payment of rent.

When there is no agreement all the improvements which the tenant makes become the property of the landlord without the latter being bound to give any compensation. There is nothing of the nature of tenant right in this country.

The Government gives no assistance whatever directly or indirectly to tenants to enable them to contract loans.

Miscellaneous.

The relations between landlord and tenant are more the most part of a business nature. It is only on the property of the noble families that a sort of patriarchal relation still subsists, where the tenants have for generations occupied the same holdings.

Nothing has been done, or can be done, by Legislation to affect these relations, nor, as far as I know, is any such interference required for the better protection of the tenants.

The tenants cultivate their farms in exactly the same way as the small proprietors do; and do not otherwise differ from them in regard to their mode and standard of living, solvency, independence, or general circumstances and character.

The large farms generally produce better stock than the small ones. The "Hofgut" farmers breed frequently with their own bulls, and raise larger and finer cattle than the others.

The use of agricultural machines is not more extended among one class of farmers than another, but slowly gaining ground everywhere.

The annual rate of increase in the population among tenants as compared with that of small proprietors has not been precisely ascertained.

The tenants frequently emigrate, especially if they have families, and expect to invest their savings more advantageously in America, and make a better provision for their children.

Owing to the large demand for farms the rents have greatly risen, and the profits of the tenants are consequently small. In bad years they are frequently very much embarrassed, especially as the rape seed, on which they have generally depended for paying their rents, now yields very uncertain returns.

There is, however, no doubt that the land might be made to produce more than it does by deep ploughing, draining, drilling, the judicious use of artificial manure, &c., if the tenants possessed the capital, skill, and intelligence necessary for the pupose.

Redemption of Tithes, &c.—The tithes, dues, and various charges with which the land was at one time burdened, were all abolished by law during the period from 1833 to 1848, and compensation accorded to the landowners for the losses they thereby sustained.

The burdens were commuted for a capital sum, generally 16 to 18 times the amount of their annual value. The law further provided that this capital, of which the State undertook to discharge one-fifth, should be paid off in equal portions annually (shorter periods not being excluded), together with 4 per cent. interest during 25 years.

Much of this capital was paid up very rapidly, and the various landowners (mediatized Princes, private individuals, Corporations, foundations, schools, &c.) soon found themselves in possession of considerable sums of ready money, which they again invested in land, at a time when the price of land was low, and let it out to tenant farmers on terminable leases.

This is the origin of tenant farmers in Baden. The system, at any rate, works very well. I have been informed by several persons that these tenants are, as a body, the best farmers in the country, both as to intelligence and character. A statement of this kind will however, always be disputed, and I cannot vouch for its truth.

Copyholds.—It will be perceived from the above that any tenures resembling the copyholds of England, where the tenant is irremovable, are no longer possible in this country. All leases are terminable.

Accumulation of Land.—The action of the law is directed solely towards facilitating the consolidation of scattered patches of land belonging to the same proprietor, and lying in the same immediate vicinity, but has no reference to the accumulation or diminution of landed properties.

(Signed) EVAN P. M. BAILLIE.

No. 10.

Mr. Gordon to the Earl of Clarendon.—(Received December 25.)

My Lord, *Stuttgardt, December 22, 1869.*

WITH reference to my despatch of the 18th instant, forwarding Mr. Baillie's Report on the tenure of land in the Grand Duchy of Baden, I have the honour to transmit herewith a supplementary paper on the tillage, husbandry, and rotation of crops in the Grand Duchy, which I have to-day received from Carlsruhe, and which Mr. Baillie was unable to get ready to be sent with his Report. In the paper now forwarded, Mr. Baillie gives a slight account of one part of the forest management in Baden.

I have, &c.

(Signed) G. J. R. GORDON.

Inclosure in No. 10.

Supplementary Report on Agriculture, Rotation of Crops, &c., in the Grand Duchy of Baden.

WITHIN the limits of those districts which are called "Gemarkungen," the land is frequently divided into a certain number of large fields, which in Baden bear the name of "Fluren," or "Felder."

This arrangement is not founded on property, but on ancient custom, and has reference solely to agriculture. Consequently, the "Fluren" are not distinguished by any permanent marks, or noticed in any map.

They do not contain kitchen gardens, orchards, forests, pasture lands, meadows, or vineyards, but only the land which has been under tillage from time immemorial; probably ever since the Germans first took possession of the country.

The land that has been more recently brought under the plough has been either added gradually to the different "Fluren," or cultivated apart from them.

The number of "Fluren" in which the arable land is divided varies considerably in the different "Gemarkungen." It ranges from two to eight; but what is called the "Dreifelder" system (two crops and fallow) predominates.

The "Fluren" are divided further into sections, which are usually bounded by high or cross-roads, streams, meadows, woods, fences, &c., and are designated by peculiar names. These now contain sub-divisions, which are called "Gewanne," an old word derived from the verb "wenden," that is, "Umwenden des Pflugs," the upturning of the soil by the plough.

The "Gewanne" may be recognized by the nearly parallel course of furrows on the different patches of land of which they consist. In well-ordered "Gemarkungen" each one of these "Gewanne" lies between two parallel cross-roads.

The division of the arable land into "Fluren" originated partly from the soil having been in old times held in common, partly from the danger of attack to which the farmers were often exposed in times of general commotion, and, above all, from the deficiency of country-roads.

The farmers of a "Gemarkung" cultivated the same crops simultaneously. They appeared in considerable numbers in the same locality, and were thus able to render assistance to one another in case of need. In the operations of the field they did not obstruct one another with their carts and teams, as they must necessarily have done in the absence of communication between the different fields, if each farmer had acted independently, and without any regard to what his neighbour was doing.

The system of cultivation in "Fluren" was, therefore, in former times an immense benefit. It obviated the necessity of legal enactments, and it afforded protection to the

crops when the fallows were under pasturage, for the pasture lands formed a connected whole, which the middle ages was sometimes enclosed with a hedge.

In many Communes this compulsory arrangement still subsists, and, singularly enough, often without causing any dissatisfaction; and where the means of communication are insufficient it cannot be changed.

The system has, however, long ceased to be a benefit. It is, on the contrary, one of the chief obstacles to the progress of agriculture in Baden.

The individual farmer cannot act with full freedom on his property, and take advantage as he might wish of the advance that has been made in agricultural science.

The cultivation of crops for fodder, such as clover, as others which yield a good return, improved manuring, the use of machines for economizing labour or seed, are therefore all much more neglected and retarded than they need be.

This bigoted attachment to a traditional system, the advantages of which belong to the past, is certainly a melancholy proof of the low and unenlightened condition of the agricultural population of this country.

The Legislature has, however, already taken the matter in hand, and a law has been passed providing that, whenever an adequate majority is in favour of field roads being made, the refractory minority shall be compelled to yield for the general advantage.

The cultivation of the soil is closely connected with the division in "Fluren." On every "Flur" it has been always the practice for the same crop to recur after a previously fixed number of years.

The rotation thus coincided originally exactly with the number of "Fluren," and this is still the case where the "Flur" system is in operation.

Indeed the old course of crops still continues with more or less variation even in those "Gemarkungen" where compulsion has long been done away with, and the farmer can act as he pleases.

It is therefore often possible to gather from the present course of crops in what way the old "Flur" system was formerly conducted.

On the simple "two-felder system" the agricultural surface was divided in two "Fluren." On the 1st the crop was corn, the 2nd was fallowed and used as pasture. A change took place every year; the fallowed "Flur" of the past year became the crop field of the current year, and *vice versâ*, thus the following rotation took place on each field,—

1st year, fallow (pasture); 2nd, corn; 3rd, fallow (pasture), and so on.

The corn crop accordingly occupied the half of the whole surface.

The simple two-felder husbandry is of Roman origin, and though the name still continues in some communes of the Palatinate, the thing itself has long since disappeared.

The following example of the course adopted on a property of 9 morgen of arable land in the Palatinate bears distinct traces of its origin in the above system :—

Crop Field.		*Fallowed Field.*	
¼	morgen Lucerne.	¼	morgen Lucerne.
2½	„ Winter Corn.	1¼	„ Tobacco.
1¼	„ Barley.	1	„ Beetroot.
½	„ Potatoes.	1	„ Clover.
		½	„ Hemp and Rapeseed.
		½	„ Potatoes.
4½	morgen.	4½	morgen.

The simple "Dreifelder" system (two crops and fallow) divided the agricultural surface into three "Fluren." The 1st was used as pasture (fallow); the 2nd, winter corn (winter "Flur"); the 3rd, summer corn (summer "Flur").

The crops and the "Fluren" were changed every year, so that the following alternation took place on the same field,—

1st year, fallow (pasture); 2nd, winter corn; 3rd, summer; 4th, fallow (pasture).

Three years ended the alternation, and on two-thirds of the surface a corn crop was annually raised.

This simple three-felder system is of old German origin, and is no longer met-with. The system actually in operation is the improved three-felder husbandry ("Verbesserte dreifelder Wirthschaft").

The same division into fluren remains, but the fallow is either manured or cultivated. It is then called "besämmerte Brache." The crops used for this purpose ("Brochfrüchte") are peas, linseed, beans, potatoes, mangel-wurzel, hemp, flax, poppies, tobacco, &c.; also fodder crops, clover, which is sown with the summer corn, vetches, &c.

The alternation of this system is therefore,—

1st year, winter corn; 2nd, summer; 3rd, clover, or some fallow crop; 4th, winter corn, &c.

The introduction of clover about 100 years ago led gradually to the abandonment of the simple three-felder husbandry. As the raw produce of the soil improved in price it appeared irrational to leave one-third of the soil untilled.

As the clover crop did not always turn out well every three years it became necessary to add other produce. Thus arose a more complicated succession of crops, extending over a greater number of years, partly in connexion with the "Flur" system and partly separate from it.

By dividing each "Flur," the transition to a 6 or a 9 "Felder Wirthschaft" was easily effected.

6. "*Felder Wirthschaft.*"

1. Tobacco or mangel-wurzel, manured.	4. Clover, manured for spelt.
2. Spelt or rye.	5. Spelt or rye. Stubble beetroot.
3. Barley.	6. Potatoes or mangel-wurzel.

9. "*Felder Wirthschaft.*"

1. Tobacco, manured.	6. Spelt.
2. Spelt or rye.	7. Potatoes.
3. Mangel-wurzel or potatoes.	8. Barley.
4. Barley	9. Oats.
5. Clover, manured for spelt.	

The following are examples of the altenation of crops on the 4 and 5 "Felder Wirthschaft":—

1. Rapeseed or wheat, spelt or rye.	3. Barley or oats.
2. Potatoes or beetroot.	4. Clover or green fodder, hemp, &c.
1. Rapeseed, spelt, or rye.	4. Clover.
2. Potatoes or beetroot.	5. Clover.
3. Barley.	
1. Tobacco or mangel-wurzel.	4. Spelt, stubble beetroot.
2. Barley.	5. Potatoes.
3. Clover.	

On the larger properties the following alteration is often adopted:—

1. Green fodder, half fallowed.	5. Barley.
2. Rapeseed.	6. Clover.
3. Spelt or wheat.	7. Oats.
4. Potatoes, mangel wurzel.	

Free husbandry is being rapidly extended without "Fluren," and without a fixed succession of crops. The farmer selecting the crops which promise the best return taking into consideration the soil, the weather, the price of raw produce, and his capital, and amount of available labour.

It remains only now to mention the forest husbandry called "Wald Feld Wirthschaft," in its various forms:—

1. In the valley of the Rhine it is the practice to plant those portions of the forests where the timber has been cut down, with pines (*Pinus silvestris*), oak and beach, on strips 4½ feet in breadth. Between these strips potatoes and rye are grown on the soil for a period of four years.

2. On the wooded hill sides of the Odenwald, it is the practice to cut down the oak wood of fourteen or sixteen years growth, to strip off and sell the bark, to burn the stems, and during two years, to raise crops of flax, rye, and buckwheat on the soil which has been cleared. Plantations are afterwards laid down, and after fourteen years the same thing again takes place.

3. On the steep hill sides of the Black Forest, the old pastures, or the cleared wood land, is burnt with the underwood, and numerous weed, especially the *Spartium scoparium.* The ashes are scattered over the whole surface, which is sown with rye, buckwheat, and "Ein korn." Potatoes follow in the second year, and in the third oats. The soil is then again laid down in wood or pasture.

This last branch of farming forms the passage to the "Wild Felder Wirthschaft" in the high districts of the Black Forest. There the pasture-land is broken up after a period of twelve or fifteen years, and sown with rye, potatoes, and flax for two years.

(Signed) EVAN P. M. BAILLIE.

108702

No. 11.

Sir A. Paget to the Earl of Clarendon.—(*Received December* 1.)

My Lord, *Florence, November* 25, 1869.

WITH reference to your Lordship's circular of the 26th August, I have the honour to transmit herewith Mr. Bonham's replies to the queries inclosed therein, and communicated to him, together with a copy of the circular, by Mr. Herries, as reported in his despatch of the 6th of September.

Mr. Bonham, in forwarding to me these replies, expressed regret that he had been unable to draw a more complete Report, in consequence of an attack of illness, which, for some weeks, had incapacitated him from giving assiduous attention to business.

Your Lordship's queries were long ago submitted to the examination of competent persons in different parts of Italy; but owing to the deficiency of statistics, and to the great variety of usages still prevailing, it has not yet been found possible to collect all the information required.

Much time and labour must still be devoted to the inquiry, before it can give any satisfactory result; and under these circumstances I have thought it advisable to send Mr. Bonham's statement to your Lordship in a substantive form, rather than leave it to be embodied in a general Report.

I have, &c.
(Signed) A. PAGET.

Inclosure in No. 11.

Report on the Tenure of Land in Italy.

Name of Country.—Italy, southern provinces.
Population.—About 6,000,000.
Religions.—Roman Catholic.
Industrial Pursuits.—Chiefly agricultural.

LAND OCCUPATION.

The land is principally occupied by tenants under proprietors, to a far less extent by small proprietors, and still less by sub-tenants under intermediate tenants; the relative proportions of these different systems cannot be ascertained, but there can be no doubt the main occupation is by tenants under proprietors.

(A.)—SMALL PROPRIETORS.

1. Varies in different provinces; 10 to 60 acres in the provinces near Naples; generally not exceeding 8 to 10 acres in the Calabrias, and many even smaller holdings on the Adriatic coast. These small properties are chiefly in the vicinity of towns, and frequently intersected by other properties.

2. The present law which regulates the descent and division of landed property on death establishes, when there is no will, an equal division amongst the children, without reference to sex. A landlord having children, may dispose, by will, of one-half of his property; any amount, however, which during his life he may have alienated by deed of gift, either to a stranger, or indirectly to a child, is reckoned as portion of the half of which he may dispose; the remaining half must be divided equally amongst the children; if he has no children or parents living, he may bequeath his property as he chooses; if if parents living, one-third is reserved, the other two-thirds being free.

3. The sale, transfer, exchange, or division of properties is effected by public notarial act; this act must be attested by, and deposited with, a notary who retains the original in his archives, and gives a legal and authentic copy: it must also be registered in the Office of Registry and Stamps ("Registro e Bollo") and the tax for registration of sale and transfer 3·30 per cent. paid; it must also be inscribed in the register of mortgages. The total registering, notarial and office charges on the sale and transfer of of a property of the value of 50,000 lire (2,000*l.*), would be 2,640 lire (106*l*), or about 5 per cent. on the value; and this amount, viz. 5 per cent. on the value, may be considered the average expense on sale of property in these provinces.

4. There are no special facilities for obtaining advances or loans on property.

5. It is calculated that fully one-third of the landed property in these provinces is mortgaged; the rate of interest on mortgage is from 6 to 12 per cent.

6. Every chief town of a province has an office for the registry of mortgages. The system of registration is very simple; the notarial act of mortgage, with a request for registry on stamped paper is sent to the Registrar, and entered in a register kept for the purpose, with ample indexes for reference; the number, date, and page at which registered is then indorsed on the mortgage deed to facilitate reference, and the deed returned to the owner. The charges for registration amount to about $\frac{1}{2}$ per cent., exclusive of stamps of small amount.

7. Much of the most valuable cultivation in these provinces is arboreal, that is to say, olives, almonds, carrouba beans, figs, oranges, lemons, and grapes, also mulberry trees. In many parts the cultivated lands are most productive, giving a rental of 6*l.* to 8*l.* per acre, and yielding two crops a-year, exclusive of the produce of the trees and vines. The ground crops comprise wheat, flax, hemp, maize, oats, beans, cotton, &c. The general implement of husbandry is a large hoe. Small proprietors own very few cattle beyond what may be strictly required for the cultivation of the land, and perhaps a few goats or sheep; these pick up what they can get in olive plantations, by roadsides, or elsewhere, and are a good deal fed on vine leaves and fig leaves.

8. Little machinery is used in aid of manual labour; during the last few years some thrashing-machines have been introduced. Many hired labourers are employed. Labour varies so much, according to the crop produced, that I can obtain no reliable estimate. Much work is done by women for sowing, gathering olives, grapes, figs, &c. Agricultural labourers' wages vary from 1 lira to 1 lira 50 centimes per day; women 50 centimes to 60 centimes. In small farms they do not often live with their employers. In addition to wages, however, they frequently have a meal after work. In large farms labourers reside on the farms, and receive from 8 to 10 francs, about three pecks of wheat, and the same of beans, a-month; also an extra franc per month for salt and oil; they are also usually allowed to cultivate a small piece of ground on their own account, which may yield them from 1 to 2 quarters of wheat. I am told that one man is employed for 6 acres in large farms; but, as before stated, the number of labourers employed is so variously reported, that I cannot fix an average.

9. There is no emigration.

10. They usually live in the adjacent villages, not on their farms.

11. Except in the Calabrias they are tolerably well housed, fed, and clad; live on wheat or maize, bread, salt, fish, vegetables, pasta (maccaroni, &c.), and fruit—fresh meat once or twice a week. They are coarse and rude in their manners and habits—are looked upon as small gentlemen ("galantuomini"). In the Calabrias they are reported as being much worse off. Mr. Albani, Vice-Consul at Cotrone, in his Report states:—"In truth, it may be said, they are badly lodged, fed, and clothed. The small gains which they derive from their very small properties are barely sufficient for common necessaries, having furthermore to apply these gains before everything else to the payment of the numerous Government imposts, which they barely suffice to do. The class in question, for their own actual subsistence, is obliged to contract debts, which in a short space of time absorb the whole of their little properties, and we see these small proprietors fall into distress and disappear."

12. With the exception of the Province of Naples, which has a large town population, and of Basilicata, Capitanata, and Terra di Otranto, which are thinly populated, the southern provinces comprise an area of 15,212 square miles, or about 9,700,000 acres, and have a population of about 4,700,000, or, on an average, one inhabitant to every $2\frac{1}{16}$ acres. In these provinces there are, of course, many towns whose population is included in this estimate, but no one town in them has a population much if at all exceeding 30,000.

As to the annual comparative rate of increase amongst different classes of the population, no statistics are obtainable to show it.

13. As one rarely or ever hears any remark on the subject of land tenure, it may be concluded there is no particular feeling against the system which exists.

(B.)—Tenants and Sub-Tenants under Landlords.

Tenure.

1. Varies greatly—from 2 to 200 and 300, and even occasionally to 1,000 acres.

2. Almost always by written agreement. Duration 4 to 6, very rarely 8 years. In small holdings the principal conditions in the lease bind the tenant to cultivate carefully and properly, to pay the rent at the stipulated periods, to give up the arable land in the same condition in which he received it, to replace the trees which may die or be blown down, to cut none without the permission of the proprietor. The number of fruit trees

and vines is counted and recorded in the lease, if found deficient at the termination of the lease the tenant pays for those missing—if more, the landlord pays for them. In the case of large farms the landlord generally stocks the farm, supplies farming implements and cattle, seed and manure to the in-coming tenant, who enters on possession without investing a farthing of capital, but, on the other hand, is bound to give security either by mortgage on property of his own, or by guarantee of some thoroughly responsible party as well for the value of the whole of the stock as for the rent, during the period of his tenancy, and that he will give back stock equal in value to what he received. Sub-tenancies are assignable by the tenant, unless specially forbidden in the lease, but they usually are forbidden.

3. The tenancy is almost always by written agreement, rarely verbal, but in either case the agreement, whether written or verbal, must within a certain period be declared and registered at the Office of Registry, and stamps, without which formality, legal redress if requisite cannot be obtained, save by payment of double tax and a fine.

4. The agreement or lease must be registered under a penalty. It frequently occurs, however, that leases are not registered but as above stated in such cases, legal action cannot be invoked in their support unless double tax and fines are paid. The tax for registration is small, and is paid at the Office of Registry and Stamps—in fact, every transaction connected with land, sale, transfer, gift, exchange, division, lease, or mortgage, must be registered, so that the ownership, value, and incumbrances on every acre of land in the Province can be ascertained at the Offices of Registry and Stamps, and of mortgages which exist in the chief town of every Province.

5. There is no law or custom under which a tenant is considered as having a right to remain in occupation after the termination of his lease, whether he may be willing to continue paying the covenanted rent or not.

6. There is no law or custom under which a tenant is considered as having a right to sell his interest in his farm to anyone—either with or without the consent of the landlord—such a thing is unknown.

Rent.

1. In almost all cases, payment to proprietors is made by a fixed amount of money, rarely in kind; in still more rare cases, the Mezzadia or Colonia, as in Lombardy, exists in these provinces, when the landlord gives the land and certain implements, the tenant finds the labour and the produce is divided between them in a ratio fixed in the agreement.

2. As regards property belonging to minors, the amount of rent is settled by public auction; in all other cases it is a matter of perfectly free arrangement and agreement between the parties, there is no law or custom which fetters the landlord as to the amount of rent he may ask, and he naturally makes the best bargain he can. Rent is usually paid half-yearly, sometimes yearly—there is no hanging gale.

3. The landlord has unlimited power in cases of non-payment of rent, or non-observance of the stipulated covenants to proceed by due course of law to enforce payment or obtain the eviction of the tenant, of course he cannot raise the rent during the continuance of a lease.

4. The respective rights of the tenant and landlord are defined in the lease; in case of non-payment for infraction of covenants, recourse is had to the Prætors Court of the district, if the sum in dispute or question is under 1,700 lire (68*l.*), if above that sum, to the Civil Court of the Province; the Court hears the case and decides; either party can appeal to these Courts. The landlord has privilege over other creditors as far as regards produce on the land, farming implements, and stock, not on other property.

Evictions.

1. By proceedings in the Prætors or Civil Court, as the case may be, a citation is served on the tenant by an officer of the Court calling on him to appear on such a day at such a place, before the Judge of the district, or of the civil tribunal to hear himself condemned for such and such reasons, viz: non-payment of rent, non-observance of covenants, &c., to quit the land he occupies, and failing to do so, to be evicted by force. The case is heard on the day appointed, the tenant either himself or by his counsel adduces his reasons in opposition and the Court decides; if he pleads, and proves his plea, that non-payment has been occasioned by adverse or accidental circumstances, he may, at the discretion of the Court, obtain a short term to pay in, and if payment is then made, eviction does not follow, or he may be condemned, and the eviction is carried out by the order and the officers of the Court.

2. Evictions are very rare indeed.

Improvements.

1. All are done by the landlord; he is bound to give over the buildings in a habitable state, and to maintain them during the tenancy in a condition to render them fit for the purposes for which they were intended.

2. If by tenant he has no security.

3. The law recognizes no absolute right of compensation to the tenant for any improvements not specified in the lease. Should a tenant have erected buildings, planted fruit trees, or made other improvements, it is in the option of the landlord on the expiration of the lease to retain such improvements, in which case he must pay for them either on an estimate of the cost of materials and labour employed, or of the additional value given to the property, at his option; or he may peremptorily call on the tenant to remove them, which he must do at his own cost and charges; in the former case the value of the improvements is determined by surveyors appointed by the Court, unless an amicable arrangement is come to between the parties,

4. Any disputes on the termination of a lease as to the buildings or land being in a better or worse state than covenanted in the lease, are usually referred to two valuers, one named by each side.

5. Tenants have no special facilities for raising loans for improvement of their farms, or for other purposes.

Miscellaneous.

1. The relations between landlords and tenants are usually friendly; no legislative interference is required.

2. The mode of cultivation by tenants on small holdings differs in no respect from that of small proprietors; their mode and standard of living is inferior to that of small proprietors; they live very frugally; fresh meat probably twice a year—Christmas and Easter. Their existence depends on the characters, if bad no one will give them a farm. Their social position is inferior to that of small proprietors, but in probity and good faith they are said to be superior. As respects tenants holding large farms they are a different class, usually possessing some amount of landed property of their own, but are a rough set, and often uneducated.

3. There are no statistics within my reach which enable me to form any estimate as to the comparative increase in the population among small proprietors, tenants or peasantry; large families appear to be the rule in all cases.

4. There is no emigration.

5. There is no expression whatever of public opinion on the subject.

6 and 7. The Legislature has not interfered in any way either to enforce the creation of freeholds or tenancies by proprietors, or the granting of leases. The proprietors are absolute owners of their lands.

8. There is no expression of public opinion on the subject.

9. The Government have taken no steps to create or increase the number of owners or freeholders.

10. Tenants receive no assistance by law, public credit, or otherwise. There is great desire amongst them to possess land which the numerous sales of church and other mortmain property in small lots and payment by instalments enable them to attain.

11. The laws in force tend in every way to favour the dispersion of the land.

Copyhold.

There are two description of tenures in these provinces which much resemble copyholds. One of persons called "Censuari," who in times gone by had received a grant of land in perpetuity, subject to a small annual quit-rent ("censo"), subject also, in case of sale, to a fine on admission of the new holder, in case of failure, to pay the stipulated rent for three years, the lord may by legal process enter in possession of the land; the other called "Decimari," who are held to pay a tenth of the actual produce in kind to the lord. These copyholders are now allowed to enfranchise on payment at a fixed rate, and the system is gradually disappearing; in some parts, however, it still exists to some extent, especially in small holdings; it is unpopular, being looked upon as a remnant of feudalism.

Naples, November 6, 1869.

(Signed) EDW. WALTER BONHAM,
Consul-General.

No. 12.

Mr. Lumley to the Earl of Clarendon.—(*Received December* 13.)

My Lord, *Brussels, December* 12, 1869.

I HAVE the honour to transmit herewith to your Lordship the Report on the land tenure in Belgium, which has been drawn up by Mr. Wyndham, Second Secretary of Her Majesty's Legation at Brussels, in accordance with the instructions conveyed to me in your Lordship's Circular despatch of the 26th August.

The information contained in this able and interesting Report which Mr. Wyndham has derived from personal intercourse with persons of all classes connected with agriculture in this country, is so complete that it dispenses me from any observations on the subject of which it treats; but I may be permitted to call your Lordship's particular attention to those portions of this paper* which relate to the condition of the peasant proprietors in the Pays de Waes, to the very summary process of eviction which exists in this country, to the extraordinary extent to which the truck system is enforced by small proprietors upon their tenants, and to the means adopted by the Belgian Government for the suppression of agrarian outrages, very similar to those which are unfortunately so frequent in Ireland.

I have, &c.

(Signed) J. SAVILE LUMLEY.

Inclosure in No. 12.

Report respecting Tenure of Land in Belgium.

BELGIUM is divided into nine provinces.

The superficial area of Belgium is, according to the cadastre or official map of the country, 2,945,539 hectares.†

The first census distinguishing between those persons employed in agriculture and those engaged in other pursuits was taken in 1846, and as this census gives a very clear and succinct account of the state of agriculture in Belgium, comprising much information not given in the last-published census taken in 1856, I have selected statistics from both of these documents, and considering that the number of the agricultural population has remained almost stationary during those ten years, this may, I think, be considered as conveying as correct a view as can well be obtained of the agricultural status of Belgium.

The last census taken in 1866 has not yet been published, and I have endeavoured in vain to obtain detailed information as to its results, but I am assured upon good authority that the diminution in the agricultural population will probably be more remarkable than in the period between 1846 and 1856.

The commercial administrations, however, are obliged for electoral purposes to draw up and furnish each year a Report to the Minister of the Interior of the amount of population in their respective communes throughout the Kingdom. According to the last Report, that of 1867, the total population of the kingdom amounted to 4,827,833. These communial Reports do not, however, classify the population according to their various employments.

In 1846 the total population amounted to 4,337,196; in 1856 to 4,529,560. In 1846 the number of persons to the square kilometre (100 hectares in extent) amounted to 147; in 1856 to 154.

The agricultural population had slightly diminished; it amounted in 1846 (counting from the age of 12 years) to 1,083,601, and in 1856 to 1,062,115.

In 1846 the extent of productive lands (less woods and forests) amounted to 1,793,160 hectares, the greater portion of which was in the hands of tenants; out of 100 hectares tenants held 65·78 per cent., whilst owners only cultivated 34·22 per cent. The amount in the hands of tenants (not counting woods and waste lands) was about 1,179,583 hectares, while that in the hands of owners amounted to 613,575 hectares.

In 1856 the total amount of productive land was 1,830,516 hectares, 1,202,224 hectares of which were in the hands of tenants, while 628,291 hectares were cultivated by proprietors.

The total amount of land estimated as being in the hands of Belgians themselves amounted in 1846 to 2,603,036 hectares (woods, &c., included), 1,423,453 of which were in the hands of owners, and, as above stated, 1,179,583 in the hands of tenants. Hence

* See Mr. Lumley's despatches of the 18th of December, 1869, and his despatches of the 8th and 9th of January, 1870, in Part II of Land Tenure Reports.

† The hectare contains 2 acres 1 rood 3½ perches.

it results that the bulk of the land in the hands of owners consisted of wood-lands wastes, &c.

I annex a Table, showing the proportion of lands cultivated by tenants, and that cultivated by owners in the respective provinces of Belgium in 1856.

(From Official Census of 1856, published in 1862.)

Provinces.	Superficial Extent, according to the "Cadastre," 1860.	Extent of Productive Lands (less Woods and Waste Lands).		
		Cultivated by Owners, or those entitled to Usufruct.	By Tenants.	Total.
	Hectares a. c.	Hectares a. c.	Hectares a. c.	Hectares a. c.
Antwerp	283.176 18 31	38,503 83 0	103,803 91 0	142.307 74 0
Brabant	328.296 24 34	78,147 52 0	180 841 24 0	258,988 76 0
Flanders, West	323,473 28 40	36,421 11 0	229,523 42 0	266,014 53 0
Flanders, East	299,996 36 72	57,008 8 0	171,375 11 0	228,383 19 0
Hainault	372,179 55 98	98,162 42 0	177,050 50 0	275,212 92 0
Liege	289,390 21 78	67,138 90 0	113,335 70 0	180,474 60 0
Limburg	241,237 45 28	57,473 86 0	68,482 16 0	125,956 2 0
Luxemburg	441,765 5 48	110,191 16 0	35,024 78 0	145,215 94 0
Namur	366,024 65 15	85,174 76 0	122.788 1 0	207,962 77 0
The Kingdom	2,945,539 1 44	628,291 64 0	1,202,224 83 0	1,830,516 47 0

The agricultural population was classed approximatively in 1846 as follows:—

Farmers (including their families).

Male	550,567
Female	356,008
Total	906,575

Servants or Labourers.

Male	107,303
Female	69,723
Total	177,026

This gives 80 farmers ("exploitants") to every 100 productive hectares (the number of hectares, as already stated, being 1,793,160), and 10 servants or labourers ("domestiques") to every 100 hectares.

The proportion of women to men employed in agriculture was throughout the kingdom to the population, as follows:—

1. Under the head of farmers ("exploitants"), 65 per cent.

2. Under the head of servants, 65 per cent.; and under that of day labourers, 53 per cent.

The average of the three categories united, is 61 per cent. Out of the 906,575 persons classed in the category of farmers ("exploitants"), 52,550 are owners or tenants; of this number about 119,312 are the owners of all the land they cultivate; 81,914 are owners of half those lands; 234,960 are tenants of the whole of those lands; and 136,360 are tenants of more than half of the lands they cultivate.

On examining the average extent of the land cultivated by the above-mentioned number of farmers (572,550), it results, that there are 247,551 whose farms or holdings do not exceed 50 acres; and that the number of those who cultivate less than 1 hectare, exceed by 63,378 those who cultivate a larger extent of land.

To illustrate still more clearly to what extent land is divided in Belgium, it may be well to mention, that out of every 100 farmers, 43·24 per cent. cultivate less than 50 acres, 12·30 per cent. less than 1 hectare, and 28·99 per cent. land not exceeding 5 hectares; that 7·47 per cent. cultivate between 5 and 10 hectares; and that the number of persons cultivating more than 10 hectares, is only 8 per cent.

Taken under the head of owners, some of whom also farm land in the capacity of tenants, there were, in 1846, 337,586 owners, and 234,964 tenants: these were divided amongst the different provinces as follows:—

Provinces.	Owners.	Tenants.
Antwerp	21.063	26,872
Brabant	54,109	29,021
West Flanders	19,705	58 793
East Flanders	45.547	42,758
Hainault	68,230	37,747
Liege	36,897	18,450
Limburg	24.207	7,963
Luxemburg	31,675	4.569
Namur	36,153	8,791
The Kingdom Total	337,586	234,964

Considering those persons classed as owners, apart from those classed as tenants, they may be divided under three heads with reference to the amount of land they cultivate, viz., 1st, those who cultivate less than 1 hectare, number 149,310, or 44 per cent.; 2nd, those who cultivate from 1 to 5 hectares, number 122,603, or 36 per cent.; and 3rd, those cultivating more than 5 hectares, number 65,673, or 19 per cent. Taken according to provinces, they are divided as follows. Out of every 100 owners (or part proprietors) there are:—

In the Province of—	Cultivating less than 1 hectare.	From 1 to 5 hectares.	More than 5 hectares.
Antwerp	37·25	32·85	29·90
Brabant	42·27	41·64	16·09
West Flanders	49·62	27·60	22·78
East Flanders	40·32	40·28	19·40
Hainault	55·93	29·74	14·33
Liege	52·22	32·01	15·77
Limburg	34·15	37·08	28·77
Luxemburg	24·82	45·83	29·35
Namur	46·72	38·06	15·22
The Kingdom	44·23	36·32	19·45

Further, I find that the subdivision of land is so great in Belgium, that out of 100 farms ("exploitations"), only 15·47 per cent. exceeded 5 hectares in extent, and scarcely 3 per cent. amounted to as much as 20 hectares; and that farms of over 50 hectares, were only found in the proportion of 75 to 10,000. The average size of holdings, comprising woods and wastes, was about 4 hectares 50 ares; and deducting woodlands and wastes, their average size was 3 hectares 13 ares.

The smallest holdings are in the Province of East Flanders, being on an average 2 hectares 76 ares each; while the largest holdings are in Luxemburg, averaging 11 hectares 35 ares.

The Report of 1856 gives no detailed account of the subdivision of the land, but it may be reasonably supposed, considering the law regulating landed property, that the subdivision is still greater than in 1846, and still greater at the present date than it was in 1856.

The following Table gives the agricultural population of Belgium in 1856:—

(From Official Census of 1856, published in 1862.)

Provinces.	Owners, Cultivators, or Farmers, Stewards or Farm Bailiffs.		Gardeners, Horticulturists Arborists, Vine Growers, &c.		Shepherds and Graziers.		Labourers and Farm Servants.		Wood-men, Charcoal Burners, Broom Makers, Gamekeepers.		Total, according to Sex.		General Total.
	Male.	Female.	Male.	Female	Male.	Female	Male.	Female.	Male.	Female	Male.	Female.	
Antwerp	29,281	19,465	1,744	457	137	12	40,512	26,489	117	18	71,791	46,441	118,232
Brabant	61,936	18,349	1,381	67	267	2	52,244	28,935	573	6	116,401	47,359	163,760
West Flanders.	32,617	28,132	1,727	546	304	4	63,957	39,139	673	137	99.278	67,958	167,236
East Flanders.	79,207	35,812	1,478	360	432	..	63,174	31,802	980	1	145,271	67,975	213,246
Hainault	31,302	9,981	1,215	19	1,167	57	62,529	45,570	2,342	125	98,555	55,752	154,307
Liege	16,372	3,031	761	10	408	1	37,266	21,485	246	5	55,053	24,532	79,585
Limburg	15,309	2,207	185	3	937	269	25,564	15,621	187	3	42,182	18,103	60,285
Luxemburg ..	19,223	4,671	62	..	532	46	14,445	7,227	580	1	34,842	11,945	46,787
Namur.....	15,226	982	308	..	627	5	28,621	11,847	1,059	2	45,841	12,836	58,677
	300,473	122,630	8,861	1,462	4,811	396	388,312	228,115	6,757	298	709,214	352,901	1,062,115
Total	423,103		10,323		5,207		616,427		7,055		1,062,115		

This Table shows that about 25 per cent. of the total population of Belgium was in 1856 employed in agriculture. Of the 1,062,155 individuals forming the agricultural

population, about five-twelfths were owners and farmers and seven-twelfths farm labourers, servants, &c.; one-third were females. This average of 25 per cent. differs in various provinces—in the Province of Liége, for instance, only 16 per cent.; in the Provinces of Hainault, Brabant, and Namur, 20, 21, and 22 per cent.; in Luxemburg, 24 per cent.; in the two Flanders and Antwerp, 27 and 28 per cent.; and in Limburg, 32 per cent. were employed in agriculture.

It will be observed that the census of 1856 shows a diminution in the agricultural population of 21,486, this decrease is so small that it is perhaps hardly worthy of notice. I endeavoured, however, to obtain some reason for its cause. It is attributed to the increased use of machinery in agriculture, and to the attraction of superior profits which the labourer can obtain in mining and industrial occupations; in some of the late communal reports which I have examined, I have found, and in parts of the country which I have visited, I have heard complaints of the present and increasing difficulty of obtaining farm labourers.

The above-mentioned diminution can in no way be attributed to emigration, which can scarcely be said to exist, there being at present sufficient outlet for any surplus of the agricultural population in manufacturing, mining, and other industrial pursuits. If I remember rightly, there were found to be, according to the last census taken in the United States of America, only 6,000 Belgians residing in that vast Republic.

According to the official Report of 1856, the number of persons engaged in other than agricultural pursuits is Belgium was as follows:—

Working in mines and quarries	73,292
Medal works	58,657
Glass works	6,012
Flax and hemp works	199,779
Wool	22,044
Cotton	24,746
Silk ("sétifére")	4,486
In tanyards, carriage building, &c.	30,021
In manufacturing articles of food	45,146
Ditto, clothing	252,517
Ditto, building	108,418
Furnishing and decorating	16.167
Various trades, such as printing, &c.	25,662
Engaged in commerce	156,803
Liberal professions	67,511
Public officers, Customs officers, police, &c. ("Force Publique")	36,106
Land owners, funded proprietors, persons enjoying pensions	50,314
Domestic servants	86,974
Persons without profession, including women and children*	2,202,790

The non-agricultural population has increased by a third more than the agricultural population during the period between 1846 and 1856.

In the year 1860 there were in Belgium eighty-six towns and 2,452 rural communes.

The Roman Catholic religion is the religion of the mass of the population; persons of other religious denominations forming a minority of 2·38 per 1,000.

Under the Dutch Government education was compulsory, but on the separation of Belgium from Holland, the Belgian authorities abolished the compulsory system, and education, which was making steady progress, has since 1830 made but slight advance. Many are the complaints of the ignorance of the lower classes, and many the complaints of the shortcoming of the education given in the purely ecclesiastical schools, and of the frequent opposition raised by the clergy to children attending schools where the laity claim a certain right of interference.

Moreover, with regard to the condition in this respect of the agricultural class in particular, the extreme subdivision of the land amongst peasants, some as owners, some as tenants, who, both young and old, are forced to continuous toil in order to eke out an existence, is naturally a serious impediment to educational progress in the rural districts.

In the official Report on Trade and Commerce of the district of St. Nicholas, a district which comprises the greater portion of the "Pays de Waes," where the land is extremely subdivided, it is stated that the number of children in 1868 who frequented the communal schools amounted to 7,934, viz., 1,357 from the town of St. Nicholas, out of a population of 23,694; 1,024 from the town of Lakeren, out of a population of 17,464; and 5,553 out of twenty-seven rural communes, having a total population of 86,141.

* Women and children are employed in mines.

It is stated that "although certain localities, and especially the town of Lakeren, co-operate actively in propagating literary instruction, the intellectual development of our working classes might be greater than it is. The necessity of employing children from their tenderest age in lucrative occupations generally obliges the parents to dispense with the education granted gratuitously by public societies."

The Report of the Arrondissement of Roulers, in West Flanders, also expresses similar regrets.

Laveleye, in his work on "Rural Economy in Belgium," remarks on the effects of subdivision of land on education, as follows:—

"The subdivision of land is not quité an ideal to propose to modern society, for it demands of man redoubled exertion and labour but little compatible with the development of his intellectual faculties, but it can be affirmed that up to this time the results in the Flanders have proved advantageous, at least as far as production and rents are concerned."

I fear I have travelled, for the present, too far into what may be looked upon as being only results of the subdivision of land, neglecting the conditions themselves which govern land in Belgium, and which I will now endeavour to state.

Since the French Revolution feudal rights have ceased to exist in Belgium, and no tenure resembling our copyhold system exists.

All property is subject to the same law. Heirs or representatives are either legal or testamentary.*

When the deceased leaves relations in a direct line (either descendants or ascendants) the law admits of no other heirs or successors.

Legatees or devisees in this case are allowed, but the law prohibits a person to dispose by deed of gift or by will, of all his estate or goods, to the prejudice either of his descendants or ascendants.

A person in giving or bequeathing his property can only dispose of a portion. That portion which the law reserves for the descendants and ascendants is termed the reserve—"La réserve." That portion of which a person may dispose is termed the disposable portion—"La quotité dispossible." The reserve and the disposable portions are fixed by Articles 913, 914, 915, 1,094, and 1,098 of the Code Civil.

When there are neither descendants or ascendants the person may dispose of all his property by will (Article 916 of the Code Civil).

In a case in which legatees or devisees become possessed of the whole of the property they are considered in every respect as the heirs or representatives of the deceased. If there are legal heirs or representatives they succeed as follows:—

In accordance with Articles 731 and 749 of the Code Civil, namely, first children or descendants, without distinction of sex or primogeniture, they succeed in equal portions, and ("par tête") *per capita*, when they are all in the direct line. If there are no descendants in the direct line those next of kin succeed (Article 745 of the Code Civil).

In default of children and of descendents, the succession goes first to the father and mother, brothers, sisters, &c.

Collateral branches are admitted to succeed to the twelfth degree; in default of collateral relations to the twelfth degree, the succession devolves on the husband or wife surviving, and in default of a survivor, it devolves on the State.

Natural children who have been recognized are not considered as heirs, but have a right to a portion of the succession (Articles 756 and 759).

They take even in preference to the survivor of husband or wife and to the State (Article 758).

The principles of the division of property as settled by law are as follows:—

Equality amongst all legal heirs called to take part in the succession, and which they have accepted (heirs to a property must accept all debts thereon, and thus have the right to refuse to accept the property, except "sous bénéfice d'inventure," which means, they are only responsible to pay the debts to the extent of the property allowing them to do so).

The principle of equality is carried to such an extent that an heir must restore to the estate anything he may have received by deed of gift either directly or indirectly. He cannot even claim a legacy made by the deceased unless the gift or legacy has been expressly made to the heir "par préciput et hors part et avec dispense de rapport" (Article 843), which means, as to "préciput," by preference as to "hors part," without being bound to contribute to distribution; and as to "dispense de rapport," without being bound to give up anything which he might have received before-hand.

The law presumes that, unless the deceased shall have specially declared to the

* Code Civil, book iii, caps. 1, 2.

contrary, it was his intention to maintain complete equality between all the heirs who accept the succession.

It must be borne in mind that in no case may any one of the heirs be advantaged over the others beyond the portion allotted by law.

Real and personal estate are alike divided equally. When real property cannot conveniently be divided, it is sold and the proceeds divided amongst the heirs; but a sale must only be resorted to if division of a property is almost impossible ("lorsque le partage en nature n'est pas commode"); Article 827, Code Civil.

The object of this is to prevent the accumulation of landed property. This system was introduced into Belgium at the time of the French Revolution. Although the law tends to diminish the number of large farms, there are, nevertheless, as shown by the statistics already given, still a certain number, owing either to some wealthy person having succeeded in keeping their properties together, or by their buying many properties, or owing to farmers leasing lands from different owners and uniting them into large farms. In some localities it is the interest of the owners to let his land to a farmer who already cultivates land belonging to other owners; while in other localities it is his interest to lease it to a small farmer. With regard to the division of landed property it must be borne in mind that the partition of the land itself is not obligatory, provided those interested can come to an arrangement to make up the various equal shares from other property. In fact the law prefers that subdivision of land should be avoided if possible (Article 832, Code Civil). For instance, the Court decided in a case which came before it, that a farm situated in the Campine could not be divided on account of the nature of the soil not admitting of its being cultivated in small patches.

Had this same property been situated in the neighbourhood of Brussels it would have been divided. A family may agree not to divide a property, but no agreement of such a nature may be entered into for a term exceeding five years; but, all parties concerned being willing, the agreement may be renewed at its expiration for another five years.

The sale of land, its transfer, exchange, or division, is effected between parties by a deed before a notary, or the decree of a Court of Justice.

The total cost of registering a deed of sale or cession amounts to about 5 francs 20 centimes per 100 francs on the sum mentioned as the price.

The non-registration of the deed within the time prescribed by law entails a fine which consists in the duty or tax being doubled.

The main legal object of the registration is to authenticate the date of the deed; but a material object is the levying of the tax. The cost of registration of a deed of exchange amounts in all to 78 centimes per 100 francs. The tax is only levied on one of the parties. Tax on division of property between co-proprietors amounts to about 6 francs 61 centimes per 100 francs. A complete code of laws exists on registration.

The best work on the subject is said to be by M. Bestiné, and this work is considered an authority.

When a deed of sale or transfer is registered, it is transcribed *in extenso* in a register kept in an office *ad hoc*. This register is open to public inspection. The cost of this transcription, the object of which is chiefly for the prevention of fraud in sales, amounts from 1 franc to $1\frac{1}{4}$ francs per 100 francs. The same system of registration extends to mortgages.

Mortgages on land are much sought for, the rate of interest, except on large amounts, being about 5 per cent.

A mortgage is generally executed before a notary; registration, which is effected in the same way as the registration for the transfer of property, is prescribed chiefly with a view to the tax leviable.

This tax amounts to 1 franc per 100 francs, with 30 centimes of additional dues.

The law on mortgage is contained at the end of the Code Civil, and bears date 16th December, 1851.

No especial facilities are afforded in Belgium for borrowing money on lands, either from Government, special public Companies, or banks. Land in Belgium is, as a rule, little burdened, but it is not uncommon for small cultivators to borrow money of local usurers or of notaries, their lands or stock forming the security. Many thus get into difficulties from which they are unable to extricate themselves.

Regulations for leases are contained in the Code Civil from Articles 1714 to 1751, and from 1763 to 1778.

A lease gives a tenant no right to the realty ("aucun droit réel"); leases when granted generally run for nine years, sometimes for twelve, fifteen, and even eighteen years.

When a holding is but of small exteut, and there are no buildings upon it, it is often

let without written agreement and for no specified term, and sometimes it is let with an agreement for three, six, and nine years. The right of such letting, or of making over the lease to another, depends upon the terms of the agreement. In default of an agreement silent upon this point the tenant may sub-let or make over his land to another (Article 1717 of the Code Civil), unless, indeed, the rent is to be paid by sharing the produce of the land.

This latter system of payment is, however, rare. I have been told that it exists near Hasselt.

No law obliges the lessor to consent to the sub-letting or cession of his property, unless it had been stipulated to the contrary in the lease. Leases may be registered, but as this entails a fee it is seldom done. The result of registration is to give an authentic date to the lease. If a lessor sells his land, the purchaser cannot evict the tenant who has such an authentic lease, or of which the date is certain, unless the right has been reserved in the agreement (Article 1743, Code Civil). Moreover, if the lease exceeds nine years, the formality of transcribing it must be gone through. In default of transcription, the duration of the lease is reduced in conformity with Article 1429 of the Code Civil to a term of nine years.

Land let without a written agreement is understood to be let for the term necessary for the tenant to gather in his crops: thus a meadow, a vineyard, the produce or fruits of which are gathered, in the term of a year, is understood to be let for a year. Arable lands are generally understood to be let according to the course in which they are cultivated. The terms of Article 1774 of the Code Civil on this subject are "par sales ou saisons" according to the rotation of crops. It is customary to manure the lands in such a manner as to obtain several crops in succession, as for example, potatoes, wheat, and oats, and the Tribunals decide that when land is cultivated in this manner a parol agreement must hold good for the term necessary for the farmer to obtain from his land the profit from the manure which he has put into it.

There is no law or custom whereunder a tenant is considered as having a right to remain in occupation of his holding even as long as he punctually pays his stipulated rent; as soon as the lease is expired, nothing can oblige the proprietor to continue the tenant. The lease having expired, the lessor can force the farmer to quit the farmer. If the tenant has expended money on matter which are quite indispensable, such as mending the roof of a barn, he can claim reimbursement of his expenses; if on matters which are not indispensable, but only useful, or done for pleasure, without the landlord's consent (buildings, draining, manure), which remain in whole or in part attached to the soil. The respective rights of the parties are regulated by their agreement. In the absence of an agreement the owner is not bound to pay any indemnity; but the tenant has the right if he can to carry away with him all the improvements he has made, on the condition of restoring the land to the owner in the same state in which he received it; if the improvements are attached to the soil ("au fonds") the owner may prevent them being taken away on paying for them to the tenant. The tenant has no right, however, to remain on the farm after the expiration of the lease pending payment by the landlord for his improvement, and for the amount, of which he is only a "simple contract" creditor, having his recourse before the ordinary Tribunals of the country.

With regard to manners and customs applicable to out-going an in-coming tenants, I have annexed a translation of these customs extracted from the official Report on agriculture published in 1862.

Rent is agreed upon between the proprietor and tenant.

At the expiration of a lease the proprietor treats with whom he pleases, the tenant likewise.

Farms are generally let by private contract, certain public establishments, however, hospitals (hospices), for instance, possessing lands, let them by public competition, and a lease is granted to the highest bidder provided he furnishes the necessary guarantees as to solvency, &c.

Rent is not regulated either by custom or valuation,—rents are generally paid annually at the expiration of the year, which was, according to old leases, generally considered to expire on the 30th November, latterly, however, leases are considered to commence and finish after the gathering in of the first crop about the 15th September. According to law, in the event of a dispute arising between landlord and tenant as to the amount of rent to be paid after the tenant has entered upon a farm on parol agreement, the proprietor is believed upon his oath, and if the tenant wishes he can call in valuers to value the rent, in which case the tenant, if the valuation exceeds the amount he has declared, must pay the expense of the valuation. This is the only case in which the amount of rent is decided by valuation.

A landlord, in endeavouring to let his farm, is at liberty to ask any rent he pleases; he can evict a tenant in case of non-payment of rent, or for any breach or infraction of covenant. According to the terms of Article 20 of the law of 16th December, 1851, in the event of non-payment of rent where there is a valid lease duty registered, the landlord has a prior claim over all other creditors. He may seize all live and dead stock, even though removed from the farm, and maintain a privilege over them for a space of forty days.

The landlord, in order to exercise his privilege, has recourse to the procedure known as "saisie gagerie," which is regulated by Article 819, and the following Articles of the Code Civil. This procedure is most expeditious.

If the rent is in arrear even for an hour the proprietor can serve a notice upon his tenant through the "huissier" (an officer recognized by the Court for this purpose); twenty-four hours after the serving of this notice he may seize all the effects and crops in the building and on the land. If the rent for the whole duration of the lease does not exceed 200 francs (8*l.*), the tenant is summoned before the "Juge de Paix;" if, on the other hand, it exceeds that sum, he must appear before the "Président du Tribunal."—(Law of 5th October, 1833, and of 25th March, 1841.)

The person summoned must usually appear before the Court one day after having received the notice.

In the event of a demand for eviction for non-payment of rent being made the authorities above-mentioned often endeavour to obtain a short delay for the tenant, and if the tenant appears in Court with the sum necessary to cover the amount of the rent due, permission to evict is never accorded. Eviction having been pronounced, the former must leave generally within 8 or 15 days. Demands for eviction are, as a rule, rare. The tenant knowing that he must quit at the expiration of his lease, does not expose himself to legal expenses, and rents, as a rule, are regularly paid. Landlords are, moreover, not very exacting as to their payment precisely on the day appointed.

In order to obtain, through conversation with persons in different parts of the country, some insight as to the state of the agricultural population,—the relations between landlord and tenant, I visited various parts of Belgium, and have endeavoured in the following notes to give some information which I trust may prove of interest.

Campine.

To the north of the fertile plains of central Belgium lies a vast tract of land comprising nearly the whole of the Provinces of Antwerp and Limburg. This region is called the Campine; an immense tract of heath and bog, with here and there, except where man has conquered and improved the soil, a few stunted trees. The soil of the Campine is chiefly sandy, and represents now much what the two provinces of Flanders were before they were brought into cultivation.

Up to the eleventh and twelfth centuries this country had been but very thinly populated, but at that epoch large abbeys were established there and the monks by degrees brought a considerable portion of this desert region into cultivation. They built farms and let them to the tenants, at first receiving their rents in kind, later in money. In the time of Maria Theresa much attention was given to the waste lands in Belgium, especially in the Ardennes and in the Campine. Progress has continued, and now, owing to the exertions of the Government, who have constructed a canal connecting the Meuse with the Scheldt, and running through the heart of this district; many parts have been converted into well-irrigated meadows, portions have been made to produce cereals and root crops, whilst soil which is too poor for such productions is being gradually planted with Scotch fir. In the year 1846 there were 290,003 hectares of heath and waste land in Belgium, 162,896 hectares of which belongs to communes.

With a view of bringing the waste land appertaining to these communes into cultivation a law was passed on the 25th of March, 1847, conferring on the Government the power to order the sale of uncultivated communal lands, whenever such measure should be considered likely to prove beneficial to the public.

This law met with considerable opposition in the Ardennes, but is now favourably looked upon both there and in the Campine, the result having been to increase agricultural products, to ameliorate the condition of the people as well as that of many of the communes who, till then, had been without resources.

Between January 1847 and December 1860, 64,044 hectares of uncultivated communal lands in Belgium had been broken up and converted into arable or pasture land, planted on or sold, leased, or allotted to inhabitants of the communes; and counting the waste

lands which have been brought within the same period into cultivation by private owners, the total may be estimated at 70,000 hectares. The land tax ("impôt foncier") on waste land scarcely amounts to 20 centimes per hectare, and this cannot be increased until twenty years after land has been broken up, and made productive.

The holding of small proprietors in the Campine (and there are few large proprietors) average from six to seven hectares of land. The houses and farm buildings are usually built of brick and tiled, with a coat of thatch over the tiles on the upper part of the roof as an additional protection against the weather.

A proprietor of six or seven hectares generally has one horse or two oxen to work the farm. The land is usually cultivated by the owner and his family, farm labourers being but little employed.

These small proprietors throughout the Campine have attained their position through their own industry and frugality.

From time immemorial the inhabitants of this part of Belgium have been pedlars ("colporteurs") forming a guild, in which they have different grades; they have a private bank, a treasurer who is charged with paying the interest to the various depositors in this bank, and the purchase of the goods in which the members are to trade. These pedlars of the Campine travel to all parts of Europe, carrying their wares, even as far as Russia.

Their trade has of late, owing to increased facilities of communication, been much reduced; they still, however, continue to thrive, their chief traffic being in the purchase of human hair, which they sell to dealers in that article, and for which there is too great a demand in this civilized age.

While the husband is away the wife remains at home and takes care of the cottage, which is improved as the savings increase. Then a little more land is bought and cultivated.

When the father of the family finds sufficient occupation and means of subsistence on the land, he remains entirely at home, still maintaining, as a rule, an interest in his guild.

One farmer, who owned about six hectares of land, whom I visited, had been during thirty-five years a pedlar, and those of his children who were not required to assist on the farm were either following the same trade their father had plied so successfully, or were engaged on the public works in course of execution in the neighbourhood, or in some industrial trade. The burgomasters and small landowner in the same commune had also been a pedlar. Proprietors of any considerable amount of land let it to tenants on lease, retaining in their own hands only sufficient garden land to supply their own wants.

Leases generally run for three, six, and nine years. At the end of the lease the landlord enters upon all improvements without paying compensation to the tenant.

The landlord supplies the house and buildings, and does the repairs, except what are termed tenant's repairs.

A landowner informed me that in order to avoid any misunderstanding as to repairs he stipulated in his leases that his tenants should do all repairs, except to the roof.

The condition of the small proprietor and the tenant differs but little if at all in the Campine. Both are badly fed, eating meat but three or four times a-year, their diet consisting chiefly of bread, butter, coffee (composed in greater part of chicory), and potatoes. They are exceedingly industrious, but from want of substantial nourishment are weak; although at work early and late, are unable to do a really good day's work. They are tolerably well clad, nearly all having a cloth suit for Sunday and holiday wear.

The majority of the inhabitants of the Campine, be they small proprietors or tenants, are exceedingly ignorant. Their whole time being devoted to hard and continuous labour, neither parents nor children have much time to give to education.

The land, though poor, might be made more productive were there more capital in the country, a dense population, as in Flanders, or more science brought to the system of cultivation

Moreover, the people have a great thirst for acquiring land; and a farmer, instead of laying out his small savings in improving what he has, will generally endeavour to buy more. Properties here, as a rule, lie in a ring fence; but the tenant who wishes to farm much land would have a difficulty in finding it lying together, naturally a source of much inconvenience, resulting from the smallness of the properties.

The rotation of crops in this district is as follows:—

1st, potatoes; 2nd, rye; second crop after the rye, rye grass ("spergul") or turnips. After turnips, manure and then rye or potatoes. Spergul is grown as forage for the cows, and is said to produce much milk. As it is a very exhaustive crop it is forbidden in some leases. I should mention that the above rotation is not always followed, many planting their crops entirely regardless of rule, and heedless as to the consequences to the

soil. Rye is, for instance, sometimes grown on the same land ten years consecutively. The average yield of rye per hectare is 14 hectolitres. Oats are sometimes sown, generally after grass, and average 35 hectolitres per hectare.

Turnips are not hoed or thinned, consequently do not attain any size. The land is not fitted for second crops. The cows are rarely turned out to pasture, the grass being kept entirely for hay. In the spring the young stock is turned out on the heaths, and late in the autumn the cattle are occasionally turned out for a short time; but as a rule they pass their existence in the stable. Cattle in the Campine have increased by one-third within the last seventy years. A fair calculation is one cow or ox to each hectare of cultivated or pasture land. Machinery in the Campine is almost unknown.

In the year 1851 the Belgian Government, partly with the view of bringing more of this cold and barren soil into cultivation, and partly in hopes of relieving the Flanders of some of their teeming population, established an agricultural colony on a heath bought by the State of the Commune of Lommel, situated near the canal which joins the Meuse and the Scheldt. The superficial extent of this tract of land, which was said to be of good soil, amounted to 96 hectares.

The Government brought a portion into cultivation, erected a church, a school, a presbytery, constructed roads, &c.; divided the land into twenty farms, erecting small houses and necessary farm buildings upon each. On being offered on lease each farm consisted of 1 hectare of irrigable meadow, 1 hectare of arable land partly sown with rye, and manured, and three hectares of heath land.

Leases were granted for a term of thirty years. The Government in the leases guaranteed to the tenant a supply of water for irrigation, undertaking to maintain in good order all the means of supplying the water. The tenant, on his side, was required to bring farm implements, to prove himself to be in possession of 100 francs (4*l.*) to defray the cost of establishing himself; of cattle to the value of 300 francs, or of a sum of 300 francs to be deposited in the hands of a neighbouring notary. During the first five years the tenant was to pay no rent, but was bound to trench, and to bring into cultivation the heath land. In the event of the terms of the lease not being complied with, the tenant was to quit at the end of the term, and to pay a sum of 200 francs for every year that he had been in possession. After the fifth year the tenant was to pay half-yearly a rent, as follows:—

1. Say from 1st March, 1856, to 1st March, 1861, an annual sum of 110 francs, or 22 francs per hectare.

2. From 1st March, 1861, to 1st March, 1871, an annual sum of 175 francs, or 35 francs per hectare; and for the remaining ten years of the lease an annual rent of 210 francs, or 42 francs per hectare.

The tenant was also bound, after the first five years of the lease, to have in his stables one head of cattle at least, or its equivalent, namely, 1 hectare in arable land, or if not, to prove that during a certain period he had purchased and placed upon it a stipulated quantity of ordinary manure. The tenant had also the right to the underwood planted as shelter round each farm. He was bound not to sublet his farm without the express permission of the Government. He was to keep the buildings in tenantable repair, and was entitled to no indemnity in case of throwing up his lease. Such were the general conditions of simply leasing these farms. The Government, however, granted also conditions of lease, with power of purchase after the first five years of occupation. The purchase-money amounted to the sum of 4,250 francs, to be paid in four instalments in four years, with interest of 4 per cent. per annum, or else to be paid in annual small instalments during a term of thirty years.

The above are the general features of this plan, the details of which are given in the inclosed printed document, kindly furnished to me by the Director of the Agricultural Department of the Minister of the Interior at Brussels.

With regard to the results of this scheme the Government had no difficulty in finding tenants, who came chiefly from the provinces of Flanders; but their hopes as to its success were doomed to disappointment. According to my informant, who was on the spot in charge of the works for irrigating the country, the tenants from the first considered themselves as Government pensioners; considered further, that it was to the Government rather than to their own industry that they were thenceforth to look for a living; and, moreover, they turned to other purposes the subsidies which the Government gave to enable them to buy stock.

After ten years the Government put the land and buildings, which had cost them in all a sum of about 260,000 francs, up to auction, realizing only a sum of 40,000 francs. I was fortunate enough to meet with the purchaser, who informed me that he had evicted all the idle tenants he had found upon the estate; had at once granted leases for six years to other tenants, affixing a rent of 50 francs a-year to each farm (consisting of 4 hectares

of land), with the condition that the 2 hectares of heath land should be broken up. At the end of the lease he took these 2 hectares of trenched land upon each farm into his own hands, and planted them with Scotch fir, re-leasing the other 2 hectares on lease at a rental of 60 francs per annum. It is now an improving property. He expressed to me his decided opinion that the Government should not intervene directly in agricultural matters, but should indirectly facilitate improvements by reduction of taxes and dues.

I may mention with reference to this that nearly all canals in Belgium belong to Government who allow lime and manures to pass free of dues.

Pays de Herve.

About twelve miles from Liege, towards the Prussian frontier, is situated the town of Herve, which gives to the surrounding district, rich in pastures and orchards, the name of "Pays de Herve."

The "Pays de Herve" is entirely devoted to dairy farming.

A gentleman owning a small farm not far from the town most courteously and kindly answered my many inquiries as to the management of the land in his district. He said that like himself most landowners let their properties on leases of six or nine years to tenants.

The houses and farm buildings, which are substantially built of stone and roofed with slate, are erected by the landlords who do the external, the tenant being bound to do internal repairs. Few landlords, he said, resided upon their properties. He himself had two tenants, one had held under him for upwards of forty years, the other for nearly twenty. The relations between landlord and tenant, he stated, were excellent. There were some small proprietors who farmed their own lands, and their properties averaged from 4 to 5 hectares in extent; a tenant generally endeavoured to obtain 10 or 12 hectares of land on lease.

The necessary capital to enter upon a farm of 10 hectares, he stated to be from 5,000 to 6,000 francs. It must be borne in mind that in this district entirely grass land, the farmer has to provide himself with but few agricultural implements. The average rental of land in the Herves is from 150 to 200 francs per hectare. Rent is paid as a rule in money, some few landowners residing in the vicinity receive a portion of their rent in dairy produce, but this practice is quite exceptional.

A tenant, I was informed, can claim no indemnity, on leaving his farm, for improvements he may have made during the term of his lease.

Farm servants' wages average here for men 70 centimes per day, with board and lodging, women receiving 50 centimes. Few labourers are employed excepting for the hay harvest, when they come from neighbouring provinces, returning to their own homes after the harvest.

As a rule the farm work is performed by the owner or tenant, and his family, and if the family is too numerous, some of its members seek employment elsewhere in an industrial trade, such as shoemaking, for instance, a very thriving trade in the town of Herves.

The peasantry are well fed and clothed, meat forming a large portion of their diet; a luxury almost unknown in the Campine.

The pastures are managed as follows, two-thirds of the farm kept in pasture during six years, while one-third is laid up for hay during three years, so that each field during a lease of nine years has been in pasture for six, and laid up for hay for three years.

The leases usually contain a clause forbidding the breaking up of the grass lands.

The fields are inclosed with hedges, the cuttings of which the tenant has a right to; the standard trees belonging to the landlord.

The average number of cows is three to 2 hectares. No cattle are bred for exportation, only a sufficient number being reared to keep up the stock necessary for the farms. During the winter months the cows stand in stables with brick flooring. No straw being produced in the district they have no bedding, and no manure is consequently formed. The dung is, however, carefully preserved, and even the manure dropped by the cow in the fields is distributed over the grass so as to insure all parts being equally fertilized.

Cheeses known as Limbour cheeses are made in this district, and bought up by merchants who come round to the farms.

In the autumn and winter the population are much engaged in making syrup from the fruits produced in their orchards. I was assured that during the last twenty years the price of dairy produce had doubled, and that consequently rents had doubled likewise.

Bordering upon France, and adjoining the provinces of West and East Flanders, Brabant, and Namur, lies the province of Hainault, in which are some of the largest mines

and industrial towns of Belgium. I visited a farm near La Louvière, a small town of very recent existence, and which is rapidly assuming large dimensions. The farm in question belongs to a gentleman who resides in France, where he farms land himself on scientific principles, often visiting England in company with his tenant who farms his land near La Louvière, in order to study any new invention bearing upon agriculture, and which might prove useful to adopt either on his farm in France or in Belgium.

The farm near La Louvière consists of 92 hectares of land, the annual letting value of which average 135 francs per hectare, the tenant having a nine years' lease. He informed me that the minimum capital to enable a tenant to take a farm of this size (lying in a ring fence) was from 40,000 to 50,000 francs. He had fifteen horses, twenty-six cows (mostly Dutch breed crossed with Durham) one Durham bull, Derbyshire pigs, no sheep. The buildings are built and kept up by the landlord. The yard was roofed in. There was a steam-engine on the farm, and, in fact, almost every appliance which is to be found on a model farm in England or Scotland.

The rotation of crops on this farm is as follows:—1, grass; 2, barley; 3, wheat; 4, beetroot. The crops grown in the neighbourhood are wheat, rye, barley, clover, oats, flax, potatoes, colza, and beetroot, the latter chiefly for the manufacture of sugar. The wages of farm servants average 30 francs to 40 francs per month for men, with board and lodging; women receiving 1 franc per day. The lodging provided for the herdsman was certainly not enviable; his bed consisted of a box affixed to the roof of the cow's stable, to which he ascended at night by means of a ladder. This, I understand, is a very general way of lodging male farm servants throughout the country.

This farm being in the neighbourhood of large iron works, farm labourers wages are high.

Besides this farm there were several large farms in the neighbourhood "grande culture," apparently preponderating over "petite culture" in this vicinity.

From La Louvière I returned to Mons, and drove thence through an uninclosed plain towards Badoux; the country through which I passed was evidently almost entirely farmed by small owners or small tenants. The people were squalid, a poorly-fed looking race, and certainly the lot of the farm servants I had lately seen appeared more enviable than that of some small owner or tenant, who, with his wife harnessed to the harrow, was endeavouring to eke out a subsistence off his little patch of land. I entered, after passing Badoux and Belveil, the commune of Blicquy. In this commune there are two farms of about 100 hectares each, the remainder of the land in the parish being farmed by small owners or by small tenants.

I had some conversation here with a gentleman farming about 100 hectares of his own land. He expressed to me an opinion that the small owner is in very many instances less intelligent and less hardworking, than, and in an inferior condition to, the small tenant. The passion for buying land, he said, was so great in Belgium, that ruinous prices were paid for it, which left to the purchaser little or no capital to lay out upon his purchase, which brought him in $1\frac{1}{2}$ per cent. or 2 per cent. at the most for his outlay.

A hectare of land sold in small allotments, he stated, would fetch in the market, so great was the competition for land, as much as 15,000 francs; whereas a piece of land, 10 hectares in extent, sold in one lot, would not fetch more than 10,000 francs. Mortgages on small properties he said were rare, although sometimes a purchaser would pay for two-thirds of his purchase in ready money, and mortgage the rest for a short term. Land at a distance from villages and towns was not, he stated, so much divided, properties were much scattered, and tenants had great difficulty in hiring land lying together, a source of very great inconvenience.

I remarked upon the way upon which I had seen the land farmed in some parts of Belgium, where the soil was light, asking whether the second crop of turnips, which is very general, and sown immediately after the rye is off the land, was good, he said that it was most exhausting to the soil, and producing little or no result; that where the small proprietor or small tenant had no good example he farmed very badly; that a large farm well farmed would produce twice and thrice as much in the course of the year to the hectare as a small holding. (This, I think, should only be considered as referring to this district.)

Small holdings, however, produced higher rents; it was consequently in the interest of landowners to let their properties in very small farms, say of 1 hectare each, rather than in farms of 50 or 100 hectares. He further remarked that Belgium was formerly cited as an example for agriculture, but that to-day she was retrograding. Oxen and cows are more used than horses by small farmers for agricultural purposes in the vicinity of Blicquy, a good many cattle being also reared there. No butter is made, the milk going to fatten calves.

With regard to machinery, I understood that most farmers who had 20 hectares used threshing machines.

The rotation of crops upon the farm I visited at Blicquy was stated as follows:—1, rye and clover; 2, beetroot; 3, wheat.

Flax was grown every ten years (in some farms it is grown every six or seven). The system adopted upon this farm with regard to flax was to clean the land well after wheat, and to sow (*Treple incarnat*) trefoil, which, when it had attained a certain height, was ploughed into the land as manure and then flax was sown.

Flax, in many parts of Belgium, is sold standing to the merchant, who cuts the crop and carts it off the land.

The chief crop in this district, and in a great part of Belgium, is beetroot, which is largely grown for the manufacture of sugar, and in some places a coarse spirit is distilled from it, which I was informed was much used for the manufacture of wines sold as sherries, madeiras, &c. The pulp is preserved in dry tanks or buried in pits, and covered with the earth (which latter system is found to answer the best) and given to cattle to fatten them during the winter.

On a space of three square leagues in the vicinity of Lenze and Blicquy there are as many as eighteen sugar refineries. Beetroot is averaging this year near Lenze 20, 22, and 26 francs per 1,000 kilos. It is said to be a very exhaustive crop. The same system I found prevailing here as elsewhere with regard to buildings, viz., the landlord erecting them, the tenant being bound to hand them over at the end of his lease in tenantable repair.

Evictions of tenants are rare unless rent is not paid, and if rent is not paid, the tenant can be evicted before the termination of his lease. With regard to improvements I was informed that in that part of the country the tenant could not claim indemnity for improvements he might think fit to make, and a tenant who farmed 70 hectares of land, eight of which he had drained at his own expense, stated to me that he did not expect any indemnity from his landlord for the improvement.

Drainage, however, as a rule, he said was done under arrangements similar to those often made between landlord and tenant in England. In this district, owing to its proximity to France, where wages are higher, there is some difficulty in obtaining labourers. Many go to France for harvest work, returning in the winter to their communes in Belgium, where they employ themselves in cleaning flax.

Some families have emigrated and established themselves in France. But emigration from Belgium on the part of its inhabitants is, as I have already shown, as a rule exceptional.

I had already heard that not far from Lenze, in the country round Tournai, Ath, and Courtrai, an ill-feeling, termed in Belgium "mauvais gré," had for long existed between landlord and tenant. I accordingly made inquiries respecting this report. I received the following account:—This "mauvais gré," it was supposed, had originated by the landlords exacting a sum of money from incoming tenants previous to allowing them to take possession of their respective farms, and at the termination of the lease refusing to repay the sum exacted. The evicted tenant, feeling himself aggrieved, caused outrages to be perpetrated, in general not upon the landlord but upon his successor in the farm, unless the successor made good to him the money he had paid to the landlord upon entering the farm. Crimes and outrages of a very serious nature were committed, assassinations, rick burning, destruction of stock, crops,—and the actual perpetrator being, as a rule, hired from a distance. The evicted tenant taking care to be seen as much as possible in public in order to be able to prove an alibi in the event of suspicion falling upon him. The inhabitants of the commune where an outrage was committed always pleaded ignorance as to its having taken place. I should have mentioned that if a landlord wished to take his land into his own hands at the termination of the lease no ill-feeling was excited.

Anxious to obtain further information upon this matter, I proceeded to Tournai, and there placed myself in communication with the Procureur du Roi, who very kindly placed judicial papers at my disposal, from which I have extracted the following with regard to this matter:—

The "mauvais gré," as it is called in the country, according to a judicial publication dated 9th July, 1846, "La Belgique Judiciaire," consists in an outgoing tenant doing his utmost to prevent the proprietor from leasing his property to another tenant unless the incoming tenant or proprietor purchased his (the outgoing tenant's) consent to the arrangement. Should the incoming tenant or proprietor attempt to defy this barbarous custom ("usage barbare"), outrages on property and assassination follow, and justice rarely finds witnesses to testify to the outrages, even though committed in broad daylight under the eyes of the population of the commune.

This "mauvais gré" is supposed to have originated in French Flanders, to have thence

spread to the district of Tournai, St. Amand, and Martagne, invading next certain parts of the provinces of Hainault and Brabant, and reaching even as far as Brussels.

In 1843 it was found to prevail in the whole arrondissement (district) of Tournai, and in some communes in the districts of Ath and Loiguies, but was unknown near Mons, Thuin, or Charleroi.

The first known instance of special legislation to repress this ill-feeling "mauvais gré" is contained in a proclamation or placard issued by Charles V on the 28th July, 1585, at Lille, Douay, and Arches.

This placard, it appears, produced good results, as twenty years later the authorities of Tournai prayed for its extension to the towns and bailiwick of Tournai, Toumaises, Mortagne, and St. Amand. The repressive measures set forth in this proclamation are not stated. In 1619 the Arch-Dukes Albert and Isabelle issued an order to prevent these agrarian outrages, attaching the following punishments :—

Threats not followed by action to be punished by flogging and banishment from the Netherlands. Attempts at carrying threats into execution, and acts of violence, to be punished with death. Coalitions formed with a view of preventing farmers taking farms to be punished with flogging and banishment.

This proclamation was posted in the different villages where the "mauvais gré" existed.

These severe measures were not, however, sufficient to crush these outrages. For in 1752 the Empress Maria Theresa ordered that all landlords who could not find tenants to retake their lands at their real value might put them up to public competition one year before the expiration of the lease. If no tenant came forward the communes were bound to find a tenant, and to guarantee his obligations towards the proprietor, until a farmer willing to take the land could be found. The outgoing tenant was declared, civilly, responsible for incendiarisms, murders, injuries, or outrages which might happen to the proprietor, the incoming tenant, or to their respective families. If a crime was committed and the guilty were not immediately found, the last tenant was arrested and imprisoned, together with his family, his goods were seized and sold, and the proceeds, debts being deducted, went to indemnify the injured parties, unless the persons under arrest could prove within three months that the outrages had neither been committed by themselves, their adherents, nor with their knowledge or sanction.

The inhabitants of communes where cases of "mauvais gré" occurred, and who failed to denounce them to the authorities, were collectively and individually bound to make reparation for injuries suffered.

In 1778 a degree slightly modifying the penalties set forth in the special Edict of 1752 was issued.

Threats were to be punished with flogging and banishment for ten years. The putting threats into execution with branding and perpetual banishment. A reward of 200 florins was offered to any one denouncing the offenders with free pardon if he was an accomplice, and the promise of his name being kept secret.

The fact of a general order being issued, showed that these agrarian outrages were spreading. The French Government also wrestled with the evil, and the Prefect of Jemappes adopted very rigorous measures, especially in Hainault; troops were quartered upon the communes, but these measures do not appear to have had any very efficacious result.

In a despatch dated 29th October, 1842, addressed by the Governor of Hainault to the Minister of the Interior, the following passage occurs :—

"If the proprietor, making use of his undoubted rights, despises this usage worthy of another century, no one, either in the commune or in the province, would dare to hire or buy the farm, no matter what price were put upon it. Should anyone venture to do so the outgoing tenant would immediately burn the barns and mills and would commit in broad daylight the most violent outrages."

In France the Conseil-Général du Departement du Nord expressed the desire that a Report should be drawn up as to the condition of tenants or farmers where the "mauvais gré" extended its ravages, also as to the amount of land they held, so as to render farmers or tenants responsible in proportion to the extent of their holding for injuries, crimes, or outrages which might be committed against the person or property of an incoming tenant. An outgoing tenant was to be considered for six years after leaving his farm, as responsible for any outrage committed upon his successor, unless, indeed, his domicile was fixed at a certain distance from the seat of the crime.

These measures in some way resembles the system adopted under Maria Theresa. In 1845 the Belgian Government, although petitioned by the Governor of Hainault to legislate especially for the repression of agrarian outrages in his Province, considered that the existing laws, if rigorously applied, were sufficient.

They increased the gendarmeries, placed troops at the disposal of the authorities, and stimulated the zeal of officials and the severity of tribunals.

These measures appear to have had the desired effect, for since the year 1846 but little mention has been made of "mauvais gré."

The following cases will exemplify the nature of the outrages and their causes :—"In January 1844, a farmer at Eplechein, a village near Tournai, complained that he was the victim of 'mauvais gré' because he had taken a farm for which another tenant had refused to pay a slight increase of rent. He stated that he was forced to be armed night and day, that his daughters were mobbed, that sheep and cattle were turned out upon his fields, and that his son had been driven from his work."

In the same month the stableman at the Haras de Frasnes, belonging to the Marquis d'Ancy, was fired at. The Marquis, in order to escape from the demands of his tenants, was obliged to take his lands into his own hands. In the same month a farmer at Grand Camp was shot dead in his own house.

In consequence of these repeated outrages rigorous measures were adopted, and the following Circular was issued by the Governor of Hainault in February 1844 :—

"The arrondissement of Tournai has been for some time the theatre of outrages occasioned by what is termed 'mauvais gré.' These outrages have become so frequent, and so serious, that the Minister of Justice has thought it necessary to propose the adoption of prompt and energetic measures for their repression.

"The Minister of War is about, therefore, to submit to the approval of the King the draft of a Decree augmenting by four mounted gendarmes the Brigade of Tournai, and ordering the establishment of a Foot Brigade consisting of one brigadier and four gendarmes in the commune of Cellis. Provisionally, and until barrack accommodation shall have been found for this new brigade, the men composing it are to be billeted on the inhabitants paying per day per man an indemnity of 21 centimes.

"The Minister of War has also given orders authorizing the Commandant of Tournai to place at the disposal of the gendarmerie, and upon the first requisition that shall be made to him by the Lieutenant of Gendarmerie commanding the arrondissement, a detachment of 2nd Regiment of Foot Chasseurs. The strength thereof to be regulated according to circumstances, to proceed to the communes where their presence might be required in order to assist the gendarmerie.

"During the period that the troops may remain in the commune they are to be lodged and fed at the expense of the inhabitants.

"Although the preceding measures apply more especially to the communes of the Cantons of Antoing and of Celles, the authorities of other localities are recommended to bring them to the notice of the inhabitants, and to call their attention to the measures which will be adopted with regard to themselves at the very first manifestation of an act of 'mauvais gré,'"

In the spring of the same year, at the Assizes of Hainault, a man named Hovinne, residing at Vault, feeling himself aggrieved that a farm, which had formerly belonged to his brother, and which at his death was sold, had not been leased by the purchasers to his children as he wished, was condemned to death, for having, on the 31st of August, 1843, endeavoured to blow up a mill on the farm.

Two brothers, at the same assizes, were likewise condemned to death for having burnt mills containing colza, and for poisoning cattle—one of the brothers was executed in the commune of Celles, where the outrage was committed.

Desirous of learning from a high reliable authority to what cause the Belgian Government attributed the cessation of agrarian outrages, I called upon the Procureur-Général.

He confirmed what I had already heard with regard to this subject, and especially as to the custom of an incoming tenant paying to the landlord a certain sum of money, termed "un chapeau," previous to entering upon the farm, but this sum of money I understood was taken into consideration as a premium in determining the annual amount of rent to be paid.

He attributed the cessation of these outrages entirely and solely to the energetic and severe measures adopted by the Government in punishing offenders guilty of agrarian outrages. He did not consider that either religious or educational influences had in any way contributed to their cessation.

Before leaving, he was good enough to present me with copies of addresses which he had made, one in October 1862, the other in October 1863, on the meeting of the Court of Appeal at Brussels.

These addresses referred to the question of capital punishment, and set forth how that punishment had succeeded in extirpating the "mauvais gré."

In the first address, he states :—

"This 'mauvais gré' had taken deep root in that locality. It had, in truth, become endemic to such an extent, that tenants holding lands relying, if need be, upon assassination and incendiarism, did not hesitate to dispose of the enjoyment of those lands amongst their children, either by marriage contract, by testamentary, or other arrangements."

He quotes a speech made by the member for Tournai, made in the Chamber of Representatives on the 22nd December, 1843, as follows:—

"The press will have already have informed you of what is termed with us agrarian hatred ('haine de cense'); it is a vengeance which a person holding lands on lease exercises or causes to be exercised at the end of his lease, either because the proprietor wishes to cultivate those lands himself or because he wishes to make them over to another person; and the holder of a lease in communes where the 'mauvais gré' exists considers himself so completely as having a permanent holding that he often makes arrangements for dividing it amongst his children, either by marriage contract, by donations to persons living, or by testamentary dispositions. Sometimes he will make it over to another person for a sum of money down, notwithstanding stipulations to the contrary in the lease. And, if at any time the proprietor wishes to dispose of his property, he is subjected to outrage of the most violent nature. Under French rule, this ill-will was manifested chiefly by threats and by 'cutting and maiming,' and especially in the destruction of agricultural implements; but now this feeling has made such progress that it has gone so far as the poisoning of cattle, incendiarism, and assassination."

The Procureur-Général, in referring to the measures adopted by Maria Theresa, states that they were of no avail, owing to the inertness of local officials.

To escape from these outrages, he says, the proprietor who wished to take his lands into his own hands at the end of a lease, or a new tenant who wished to enter upon a farm, often came to an understanding with the outgoing tenant, and, by paying him a sum of money, bought his consent to the transaction. There were even many right-minded men who considered this indemnity a just compensation for the ameliorations acquired by the proprietor—these men were far from sanctioning assassination or incendiarism, but they nevertheless gave this "mauvais gré" a moral support, which doubled its force.

The last execution took place on the 19th February, 1850, for an attempt at assassination, committed by an assassin hired to do the deed for a sum of 90 francs.

Since that date, agrarian outrages have been almost unknown, and the people feeling that any such acts, no matter to what cause they may be attributed, will be punished by the Government (ever jealous of the rights of property) with severity, will hesitate before again having recourse to such barbarous means of obtaining what they may consider as their rights.

From the commencement of the year 1836 to the end of 1842, there had been forty-three acts of incendiarism and eleven assassinations; seven agrarian outrages entailing capital punishment had been committed between the month of July 1843 and the month of February 1844.

Although the rights of property are in some parts of Belgium (Pays de Waes, and in the immediate vicinity of Brussels, for instance) exercised with little if any consideration for the tenant, the Government have hitherto abstained, and I have been assured by a person in Government employ and holding a high office in the Ministry of the Interior, that the Government always would abstain from legislating upon the relations of landlords with their tenants, as to the granting of leases, raising rents, &c., considering that such action would be interfering with the individual rights of property.

I have annexed to this Report a translation of the customs between incoming and outgoing tenants most in use in the respective provinces of Belgium, extracted from the official Agricultural Report of 1856.

This official Report, in remarking upon these customs, concludes as follows:—

"From the foregoing it results that the relation between the outgoing tenants and their successors are often complicated and difficult, as no law regulates this matter, there being only local usages and customs often ancient to serve as guides. In many cases agricultural progress suffers from this state of things, but it is doubtful whether a general and efficacious remedy can be applied without affecting rights of property; this at least was the opinion of the Superior Council of Agriculture, which, on being consulted on this head, confined itself to recommending instruction and persuasion to enlighten the population in the exercise of their rights with regard to the management of their property."

At Dinant, and in its neighbourhood, in the province of Namur, which I visited, I heard nothing of the "mauvais gré," which seems to have been confined to the limits already mentioned.

The feeling between landlords, many of whom owned considerable property, on which they reside a portion of the year, and tenants, I was assured, excellent, evictions being rare.

Farms are comparatively large here, containing sometimes 100, 125, and 200 hectares; the necessary capital to enter upon a farm of 125 hectares, is estimated at 50,000 francs.

Written leases are granted for six, nine, and twelve years. The subletting of farms is not allowed.

Farms, however, though large, do not as a rule lie in a ring fence, properties being intersected.

The buildings, which are good and substantial, are mostly erected by the landlord, who does the principal external repairs.

I met with a servant-farmer at Dinant farming 55 hectares of land, who, on taking the farm,—his landlord not having the necessary means at his command,—erected buildings at his own expense, of which the landlord gave the plan; a written engagement being entered into, that at the termination of the lease, the whole sum expended by the tenant be reimbursed by the landlord. I was assured, that if the tenant executed improvements without the consent of the proprietor, it was not the custom in this part of Belgium for the latter to grant any indemnity at the termination of the lease.

Farm labourers earn, near Dinant, 25 to 30 francs per month, with food; and women 15 francs per month, with food; but it is not customary for the farmer to lodge his labourers, who hire cottages, which vary in rent according to their size, and the extent of land attached to them, from 50 to 100 francs, and 120 francs per annum. Most of these labourers keep a pig. The appearance of the peasants was much better here than that of those I had seen between Mons and Badon; and the land also appeared better cultivated. In this part of Belgium, and in the province of Luxemburg in particular, the communes in very many cases own lands, which the peasants may use, paying a nominal rent to the parish. In some communes peasants may have as much as 2 hectares, the amount varying according to the extent of land owned by the communes. They are not allowed, however, to erect buildings upon the communal lands; and near Dinant, peasants and farmers who are well off, are not entitled to the above privilege; but in some parts of the Ardennes every person in the commune has a right to cultivate a bit of communal land, leasing it for a term of thirty years. In some communes there is much wood, a certain quantity of which the peasantry have a right to cut every year, drawing lots as to their respective portions.

The commune of Etale, I understood, had 1,600 hectares of underwood and stunted trees; and any person wishing to erect a house in the parish, may have as much wood, free of charge, as may be necessary for his purposes of building.

I inquired at Dinant what was the condition of the small proprietor; in the first place, his position was not nearly so good as that of the large tenants who, in the neighbourhood, will bear comparison with tenant-farmers in England; and the answer I received as to the position of a man owning 10 hectares of land, was, "C'est un malheureux."

In some parts of Belgium, a man owning 10 or 11 hectares of land, can gain a living; but the nature of the soil, the facilities of procuring manure, the proximity of markets, and various other matters, must be taken into consideration; and in the neighbourhood of Dinant, excepting near the banks of the Meuse, the soil is of a cold, rocky nature, so that the existence of a man who depends entirely upon his land, may very probably fully justify the above-cited opinion.

Near Waslin, on the River Lye, I found a man owning a small mud cottage and 2 hectares of land. He had commenced life as a boatman on the Meuse, in which employment he had saved some money, and had then set up as a baker, in which trade he had also been successful. I mention this case as an example of what I have been assured to be the rule throughout Belgium, viz., that the small proprietor does not look solely to agriculture for a livelihood, but that he has auxiliary means either in the shape of money, or in some industrial pursuit.

From Dinant I went to Namur, and thence to the village of Aye in the Ardennes. The inhabitants of this part of the country congregate in villages, which are, as a rule, judging from the descriptions I have read, and certainly the village of Aye formed no exception, poor and uncleanly in the extreme. The cottages, or small farms, are built partly of mud, partly of brick, and of untarred wood, with thatched roofs. The manure from the stables in which the stock is kept during winter, is thrown on either side of the road, in front of the dwelling-houses; and no care is taken to prevent its being washed away by rain.

The opinion expressed to me here as to the general circumstances of the small proprietor, was the same as I have heard at Dinant, "Eh bien! ils vivent, ils mangent du

pain," was the description given by one person with whom I conversed. The soil, which is poor and light here, admits of oxen being used for ploughing.

I was much gratified by hearing from several persons in what high estimation an English Protestant landlord, who had for many years owned and farmed land in the vicinity, and who had by his example done much to improve the system of agriculture, and to ameliorate the breed of cattle had been held.

Much poverty exists, and last year the funds of the "Société de Bienfaisance" at Aye amounted only to 60 francs, which the managers thought it best not to distribute, so numerous were the applicants, and so small the relief they had in their power to afford.

With a view of obtaining information, more especially as to the condition of the small farmer and as to his system of cultivating his land, I visited the Pays de Waes, the portion of Belgium of all others devoted to the "petite culture."

The Pays de Waes is situated in the Province of East Flanders, between the left bank of the Scheldt and the river Durme, its principal towns are St. Nicholas, Jamise, Lokeren, St. Gilles Waes, and Beveren included in or rather forming the arrondissement of St. Nicholas. This arrondissement comprises 38,245 hectares (less woods) of which (according to the official report of 1856 published in 1862,) only 6,556 hectares were cultivated by owners, while 31,689 hectares were cultivated by tenants. (This does not include the polder lands.) The "peasant proprietor" generally speaking, according to my informant, is unknown in the Pays de Waes. The farmers as a rule only own their cottages and buildings, a small plot of land usually planted as an orchard and averaging in extent from 10 to 25 ares.*

The cottages are built of brick and tiled, and are clean and comfortable, and unlike those in the Campine are detached from the stables and buildings, which are of wood and thatched. The value of each of these small holdings is from 5,000 to 7,000 francs (200*l.* to 280*l.*)

The farmer who purchases land or buildings, is often unable to pay the whole of the purchase money at once, and has therefore recourse to a usurer, or a tradesman, or a notary, who lends him money on the security of the purchase at the rate of 4 per cent., and as many landowners in the Pays de Waes are tradesmen and notaries, it may be inferred that the farmer is not always able to fulfil his engagements.

The condition of farmers who are proprietors and that of tenants is much the same, both are forced to live with an equal regard to the most rigid economy—their diet consists of bacon, coffee, skim milk, potatoes, and black rye bread—they seldom or ever taste fresh meat.

As few of these farmers own land to cultivate they are obliged to hire it, and as properties average about 1 hectare in extent—the farmer who hires 5 hectares of land usually holds of several landlords,—properties also being excessively intersected, he has great difficulty in obtaining land lying together.

My informant stated that he considered it a misfortune for the farmer in the Pays de Waes to be the owner of his own house and buildings, for in the first place the expenses of doing all the repairs fell upon him, and in the second place from the fact of his owning a house and buildings the landowners knowing that he must have land to gain a livelihood, made what terms they pleased and granted no lease.

Whereas, in the neighbourhood of Ghent, where the small farmer neither owns buildings nor land, he obtains a lease for three, six, or nine years. Written leases do not exist in the Pays de Waes. The agreement is made verbally for a term of one year, which ceases on Christmas eve. The procedure necessary to evict a tenant from a piece of land consists in sending before sunset on the 23rd of December, a notice to quit by a huissier, and from the moment that the notice has been served the tenant may not set foot on the land, consequently, if the piece of land which he is ordered to quit contains the root crop for his cattle, and if he is unable to purchase fodder elsewhere, he is forced to sell his stock, and is in all probability a ruined man. At the same time that the tenant receives notice to quit, he is called upon by the landlord to meet him with a valuer on a certain day, and at a stated hour in order to come to an agreement with regard to the value of the manures in the ground, and of the standing crops. If a difficulty arises in estimating the value, an umpire is called in by whose decision the parties agree to abide; the tenant then pays the whole of the rent to the landlord, and settles with the incoming tenant for the value of the crops and manure, the expense of the valuations being divided between the outgoing and incoming tenant.

Evictions in the Pays de Waes are not uncommon, often in order to obtain higher rents, or owing to deaths and sales, and they not unfrequently occur from electoral

* 1 are = 100 square metres; 1 hectare = 10,000 square metres.

motives. Rents are paid annually in money, never in kind, and unless in the case of an eviction, are usually called for three months after Christmas.

Subletting (though allowed by the law of the land) is objected to by the proprietors, who give the tenants notice to quit if they do so. I heard of an instance of 10 hectares of land having been let to one tenant for the sum of 800 francs per annum, this tenant sublet the land to thirty-five other persons who paid him in all 2,000 francs per annum, the first tenant thus making a clear profit of 1,200 francs. The landlord on hearing of this in due season gave the first tenant notice to quit, retaining the other thirty-five tenants at the increased rent, viz., 2,000 francs for the 10 hectares.

The above also serves as an instance of the extent to which very small holdings in Belgium command high rents.

Landowners in the Pays de Waes mostly reside in towns, leaving their properties in many instances to the care of agents, who, again, often have sub-agents.

The small, as well as the large farmer is liable to have as landlords at one and the same time:—

A brewer, a grocer, a haberdasher, a manufacturer, a clockmaker, a public-house keeper, a farmer, a doctor, a lawyer, a parish priest (rarely owner of land), a "liberal," a "catholic.

What is the position of this tenant probably farming from 5 to 10 hectares of land? The brewer expects him to drink his beer—if he objects, he evicts him from the plot of land he holds of him, and lets it to a more profitable tenant; the grocer expects him to buy his coffee at his shop; his wife and daughters must dress well in order to please the haberdasher; he must purchase a watch and change it occasionally to please the watch-maker; he must assist his farmer landlord in getting in his crops before he attends to his own; if he or his family do not require the doctor's attendance two or three times a year, the doctor seeks for a less healthy tenant. The following is an example of the extent to which this tyranny is carried, and how indirectly profitable small bits of land can become to the owner:—

A doctor, whose wife was a dressmaker, owned 40 acres of land, which he let on a verbal agreement to a man who had a large family, seven of whom were girls, the rent of the land amounted to 40 francs per annum, but the sale of medicines and of dresses to his tenant raised the doctor's income to 400 francs a year.

Throughout the Pays de Waes (and throughout the Provinces of Flanders, except on the polder lands), spade husbandry almost entirely prevails. This system of cultivation does not admit of much machinery being used, however, threshing machines are gradually superseding the flail, and some few farmers use machinery for cutting roots. Corn is all ground in windmills, one or two of which are met with in each village. My informant states that he considered the farmer who farmed 5 hectares to be the most prosperous.

The whole of the labour on the farm is supplied by the family. The parents and two adult children can easily work a farm of 5 hectares. If the children are young a day labourer is usually employed during the harvesting, children commence work at about 6 or 7 years of age.

The farmer's wife manages the dairy and stable department. The sale of butter should, and does, indeed, pay all the household weekly expenses. Women and girls are also of great use in thinning and weeding the crops, and in the winter months they beat, clean, and prepare flax for market.

From three to four milch cows, a calf, and a pig, form the stock on a farm of this size, and there is scarcely any (if any) permanent pasture in the Pays de Waes, the cattle are all stall fed, in winter chiefly upon carrots, turnips, colza, grain and linseed cake.

One horned beast is kept on an average per hectare. With regard to cattle, I may herewith mention that large owners or large tenants throughout Belgium generally keep a bull, both for breeding on their own farms, and which they let out for a small sum to small farmers wishing to breed stock.

The Government keep a few Durham bulls at the agricultural school at Gembloux, but they are kept rather as specimens than for purposes of breeding.

The small tenant farmer in the Pays de Waes generally has ready money, with which, in the month of June, he purchases, say, from 10 to 20 hectares of flax-standing of the large farmer, paying for it usually at once or within five or six months.

The small farmer, with his wife and children, gathers in the crop of flax, washes, dries, beats, cuts, and cleanses it for sale; which, when prepared, is principally exported to England and France.

By this combination of agricultural and industrial pursuits the small farmer is able to gain a living, many if frugal and thrifty can, in the space of twenty years, amass from 20,000 to 25,000 francs. Many, however, ruin themselves by endeavouring to keep a

horse, and by hiring, probably out of a feeling of vanity, more land than they require or are able to work; many also ruin themselves by purchasing land at prices much beyond its value; the average price of land per hectare is 5,000 or 6,000 francs, sometimes it will fetch as much as 30,000 francs per hectare.

Properties in the Pays de Waes, as I have already stated, are much intersected and dispersed.

Each plot or field contains on an average half a hectare of land, which is surrounded by a ditch, the borders of which are planted at a distance of 7 inches with poplars belonging to the landlord and with underwood by the tenant, these standard trees pay the landlord about 1 per cent. per annum, the tenant may have the coppings which the landlord cuts at certain seasons, the tenant paying the expense of the cutting.

The Flemish farmer who has no horse, carts all the manure on to his land in a wheelbarrow. Liquid manure is also most carefully preserved.

The following is a detailed account kindly furnished to me by a gentleman farming land in the Pays de Waes of the system of cultivation ("petite culture") in this district of East Flanders, as it shows the expenses and profits on each crop, it is well worthy the attention of agriculturists.

Rotation of Seven Years.

First year, Potatoes.

	Expenditure.	Receipts.	Profits.
	Francs.	Francs.	Francs.
Rent per arpent 300 verges, *i. e.*, 44 ares	65	..	
The land is dug to a depth of 40 to 45 centimètres: cost of digging 10 centimes per verge	30	..	
30 loads of stable manure, at 5 francs: each load contains from 450 to 500 kilos.	150	..	
3 hectolitres of seed	18	..	
Cost of planting	15	..	
Cleaning and earthing up	25	..	
An average crop yields 100 hectolitres, at 6 francs	..	600	
	303	600	
		303	
		297	297

Second year, Wheat

	Expenditure.	Receipts.	Profits.
	Frs. c.	Frs. c.	Frs. c.
Rent per arpent (44 ares)	65 0	..	
Ploughing land	6 0	..	
15 loads of stable manure, at 5 francs	75 0	..	
Seed and labour	37 21	..	
Weeding	12 0	..	
Cutting, drying, carrying, and threshing	25 0	..	
Average crop, 10 or 11 hectolitres	..	225 0	
After crop, turnips*	4 0	..	
Yield of turnips	..	60 3	
Straw	..	54 0	
	224 21	339 0	
		224 21	
		114 79	
* Carrots are sometimes sown after wheat; cost about the same; profits larger, say 80 francs (with carrots)	..	20 0	
		134 79	134 79

Third year, Flax.—After getting in the second crop of turnips or carrots, the land is dug and flax sown in March.

	Expenditure.	Receipts.	Profits.
	Frs. c.	Frs. c.	Frs. c.
Rent per arpent (44 ares)	65 0	..	
Cost of digging land	5 50	..	
6 barrels ("bacs") of liquid manure (human)	32 65	..	
1 hectolitre of seed	60 0	..	
Sowing and cleaning	40 0	..	
Flax is generally sold standing, average price 1 franc 25 centimes to 1 franc 50 centimes; average on 44 ares	..	400 0	
Clover is generally sown with flax, which brings in about ..	..	50 0	
	203 15	450 0	
		203 15	
		246 85	246 85

Fourth year, Clover.

	Expenditure.	Receipts.	Profits.
	Fr. c.	Fr. c.	Fr. c.
Rent, 44 ares	65 0	..	
The whole labour consists only in putting as manure 12 hectolitres of wood ashes on the land ("cendres bois"), at 1 franc 50 c.	18 0	..	
Net profit at 50 francs per verge	..	150 0	
	83 0	150 0	
		83 0	
		67 0	67 0
Sometimes, on the best lands, if clover is not sown with flax, wheat follows again—			
Labour, with a plough	7 25	..	
15 loads of well-rotted manure	81 63	..	
1 hectolitre of seed, best quality	24 0	..	
Cleaning weeds	12 0	..	
Cutting, carrying, and threshing	25 0	..	
Average yield, 11 to 12 hectolitres, at 21 francs	..	231 0	
„ 400 trusses of straw	..	70 0	
	149 88	301 0	
Add rent	65 0	214 88	
	214 88	86 12	86 12

Fifth year, Rye.—Soon after the clover, some let the land rest and sow oats.

	Expenditure.	Receipts.	Profits.
	Frs. c.	Fr. c.	Fr. c.
Rent, 44 ares	65 0	..	
Ploughing land	7 25	..	
15 loads of farm manure	81 63	..	
Seeds	10 0	..	
Cutting, carrying, &c.	25 0	..	
Yield, 11 hectolitres, at 15 francs	..	165 0	
400 trusses of straw	..	70 0	
Second crop of turnips	3 0	54 50	
	191 88	289 50	
		191 88	
		97 62	97 62

Sixth year, Oats.

	Expenditure.	Receipts.	Profits.
	Fr. c.	Fr. c.	Fr. c.
Rent, 44 ares	65 0	..	
Labour	5 50	..	
6 barrels ("bacs") liquid manure (human)	32 65	..	
Sowing and labour	15 0	..	
Covering and furrowing with a spade ("rigoles à la bèche")	7 50	..	
Cleaning and weeding	10 0	..	
Cutting, carrying, threshing	15 0	..	
Yield, 18 hectolitres	..	192 91	
400 trusses of straw	..	45 0	
	150 65	237 91	
		150 65	
	..	87 26	87 26
Carrots are sown with oats, or, after working the land, turnips as second crop.			
Value of carrots, 54 francs; turnips, 45 francs—average	..	50 0	50 0
			137 26

Seventh year, Buck-wheat.

	Expenditure.	Receipts.	Profits.
	Fr. c.	Fr. c.	Fr. c.
After getting in the carrots or turnips of the sixth year, the land rests till the middle of May.			
Sow carrots—			
Rent	65 0	..	
Labour	24 32	..	
¼ hectolitre of seed	5 0	..	
Low grass	3 0	..	
Cutting, drying, &c.	25 0	..	
		122 32	..
Yield, 12 hectolitres, at 20 francs	..	240 0	
Grass	..	14 50	
		254 50	
		122 32	
			132 18

Total profits, 1,131 francs 83 centimes, equal to 45*l.*

The average of the amount of various crops per hectare last year in the arrondissement of St. Nicholas, where the "petite culture" prevails, was, according to an official report, as follows :—

Wheat	24 hectolitres.
Rye	26 „
Buckwheat	20 „
Barley	34 „
Beans (feveroles)	18 „
Potatoes	11,000 kilometres.
Flax	555 „

Root crops were good.

I have omitted to mention that nearly all the peasants in the Flanders keep numbers of rabbits in hutches which are largely exported to England, where they are known in the markets, I believe, as "Ostend rabbits."

Large quantities of fruit, chiefly damaged, are purchased here for the English markets.

In the Pays de Waes no agricultural labourer need be in want if he chooses to work; there is even a dearth of hands. Many of the Flemish peasants go to France to help in harvesting, where they earn good wages; while many find employment during part of the year in railway and canal works.

A day labourer earns in the Pays de Waes, without food or lodging, about 1 franc 25 centimes (1*s.*) per day, and pays about 1 franc (9⅝*d.*) per week rent for a cottage.

The official Report of 1856 states that in some parts of the Kingdom the wages of an agricultural labourer attains an average of about 2 francs, without food, per day,

while in other districts the average scarcely exceeds, and is sometimes less than 1 franc per day.

Wages were in 1856 highest in the Provinces of Namur, Luxemburg, Hainault, and and Liege, lowest in the Provinces of Limburg, Antwerp, Brabant and East Flanders.

In the Flemish districts the labourer does not earn as much as in Walloon districts, where factories and mines exist in large numbers. The same difference is remarked with regard to the labourers' food.

The Flemish labourer, when fed by his employer, is content with rye bread, potatoes, and curds, with occasionally a bit of bacon or salt meat; at his own cottage his food is still worse.

The Walloon labourer, however, receives bread of mastin or spelt ("épeautre") and meat may be considered as forming a portion of his diet.

In the Ardennes the diet is not quite so good, but is superior to that of the Flemish peasant (*vide* Official Agricultural Report of 1856).

In rural communes, where the people are industrious in the Pays de Wues there is little or no poverty. This is not the case, however, in the rich and manufacturing town of St. Nicholas, the chief town of the district, containing 25,000 inhabitants (many of whom are landed proprietors).

This town literally swarms with beggars; in winter 13,000 persons, I am told, are dependent upon charity. Other towns in the district have probably as many poor in proportion to their population; for throughout the whole year numbers of beggars rove through the country districts insulting and even threatening the farmers, who, if they do not give money, rarely refuse a crust of bread.

Taking into consideration the difficulties the small farmer in the Pays de Waes has to contend with in the tenure of his land, it will be readily understood how anxious he must be to retire from his labours as soon as he has obtained a sufficiency to admit of his so doing, instead of endeavouring to improve his system of farming, rearing good stock, &c. In fact, as my informant stated, he is worn out with toil and anxiety, and glad to escape from a position in which he has been at the mercy of unscrupulous and greedy persons seeking only their own interest.

With the facilities for purchasing land in Belgium (unless a monopoly be granted to the peasant class) and owing to the extreme subdivision of the land, it is only natural that it should in very many instances, fall into the hands of a class such as I have depicted, who are instigated solely by motives of gain in their dealings with their tenants, whom they, to use an expressive French term, "exploiter" to the utmost of their power.

M. de Hoon, in a work on the polder lands, expresses his hope that the farms there will remain large, as the land is neither suited for "petite culture" nor the country, which is unhealthy, fitted for a large population.

M. de Hoon says:—

"As the farms become smaller, we shall have more cattle, more manure, and more produce; but the general expenses resulting from an increased number of families will have augmented also. These little properties will, by degrees, pass into the hands of rich proprietors. More labour will be necessary, and there will be less money to spend; illness due to crowding and misery, at present almost unknown, will gain ground. The charitable funds will become a severe tax, and mendicity and marauding will completely change the scene."

The inhabitant of the polders, according to M. de Hoon, is better educated than the inhabitant of Flanders (*i.e.*, where the "petite culture" prevails—for the polders are also in the Flanders). He says he likes conversation and even reading, and contrasts the condition of the former on retiring from business very favourably with that of the latter, who has been unable to devote any of his time to the development of his intellectual faculties. In conclusion, I must add that what what I have described as existing in the Pays de Waes is exceptional; for though in some other parts of Belgium there are many tenants at will, the majority even of the smaller tenants hold written leases of three, six, and nine years.

The information which I have obtained on the Pays de Waes (and which I have every reason to believe is accurate) differs from the pleasant picture of "peasant proprietors" in the above district, drawn in Mr. Mill's work on Political Economy, vol. i, pages 327 to 330.

A glance at the Table inclosed in the earlier part of this Report will show that the land in the Flanders, the most highly cultivated provinces in Belgium, is almost entirely worked by tenants, whereas in the province of Luxemburg, where much of the land is poor and of but comparatively little value, it is mostly cultivated by proprietors.

I think I am justified in inferring from these facts that the soil is in the first place

made productive by the toil and labour of the peasant as owner, and that it eventually falls into the hands of another class who buy land as an investment for their money, and who find it is more remunerative and profitable to let it out to tenants, than to cultivate it themselves.

I believe I am correctly informed when I state that as a rule the small farmer, artizan, or labourer, who is an owner, owns his cottage and a small plot of land (about half a hectare in extent). If he does not earn his bread almost entirely in some industrial pursuit, he hires land in addition to what he owns. In many cases land is an auxiliary means of subsistence to what is gained by industrial pursuits; in others, the proceeds from industrial pursuits are an auxiliary to the profits resulting from the cultivation of the soil. For instance, in M. de Hoon's work I find that there are near Ostend some small farmers owning their own farms of small extent, but who combine fishing with their agricultural labours; so also in the Pays de Waes, and throughout the greater part of the Flanders, flax is the staff of life. In the Campine many are pedlars; in the Condroz country many villages are engaged in straw-plaiting, &c.

Much of the land in Belgium is owned by the aristocracy; much by the industrial classes.

The prevalent opinion in Belgium is in favour of the subdivision of land, and of small holdings; the latter are particularly favourable to high rents. I have, however, heard the opinion expressed by a person thoroughly conversant with the agricultural status of Belgium, that the excessive subdivision was injurious to agriculture, and a regret expressed that there was no law prohibiting the subdivision of properties of 15 hectares in extent.

The law regulating the equal partition of property, though it breaks up large fortunes equally affect the small. The death of parents, who through their toil and industry have succeeded in saving sufficient money to purchase a small house and a few hectares of land, entails in all probability the sale of the property in order to carry into effect the division as laid down by law, amongst the family; sometimes an arrangement is arrived at by which one or two of the sons keep the house and land, paying an indemnity to their brothers or sisters: but this is a matter of difficulty, and children of parents who have raised themselves to the position of small proprietors, are all reduced at the death of the parents to the humble station from which the latter started.

The Belgian is averse to the very idea of emigrating; sooner or later, however, he will be forced to do so, for in Belgium the population, both rural and urban, increases rapidly.*

I regret that I have been unable to procure any statistics as to the annual increase of population amongst small rural proprietors, none having as yet been published upon this point; but I have been informed that the small farmer in Belgium looks upon children as a blessing, as forming in course of time an additional supply of labour to his farm, and when there are more children than the land can support, they seek their living elsewhere. I have not heard any remarks in support of a certain theory that proprietorship tended to prevent the "undue multiplication" of families; but I have heard the opinion that the existing law for service in the army and militia tended to prevent very early marriages.

I have annexed a Table showing the number of marriages solemnized within a certain number of years, and giving the ages of the persons when married.†

No attempts have been made by Government to create or increase the number of freeholders in Belgium (beyond the endeavour which I have stated to colonize the Campine and which failed), such a scheme is looked upon as impracticable, and as one which would only lead to forming a class of persons who would always be looking to Government for assistance.

I annex a Table showing the number of markets and fairs which are held in Belgium.

In 1846 there were 294,537 horses, and in 1856, 277,311, in Belgium. Sheep had likewise decreased in the same period. In 1846 they numbered 662,508; in 1856, only 583,485. Pigs had also decreased.

Cattle, however, has increased in number; according to the census of 1846 there were 1,203,891 head, and in 1856 there were 1,257,649 head of cattle. The "petite culture" favours keeping of cattle, but tends to decrease that of horses and sheep.

I have inclosed in this Report a copy of the form of lease granted by the hospital of St. Jean, at Brussels; this hospital (as do all the charitable institutions owning land in Belgium) lets its lands by public tender; the lease runs for three, six, nine years, and I am informed that this is the usual form of lease granted by proprietors throughout the Province of Brabant.

* In 1867 the total number of emigrants from Belgian ports amounted to 8,198; in 1868 it only amounted to 1,512, 779 of whom went to the Argentine Provinces.—("Moniteur Belge" of November 23, 1869.)

† The difficulties, through consent of parents being required, and other stringent formalities, are a great restriction to early marriages.

I have also inclosed a copy of the cadastral map for the commune of St. Giles Waes, together with the register attached to it, as a specimen of a publication from which most accurate information can be obtained as to the nature of the soil in each commune, and as to the ownership, and the amount of tax upon each plot of land throughout the country.

(Signed) HUGH WYNDHAM,
Second Secretary, Her Majesty's Legation in Belgium.

December 6, 1869.

Annexes.

The number of fairs and markets in the Provinces of Belgium in 1860 were as follows:—*

Province.	Weekly.	Monthly.	Annual.	Total.
Antwerp	66	12	102	180
Brabant	49	3	74	126
West Flanders	77	9	116	202
East Flanders	62	5	197	264
Hainault	125	16	158	299
Liege	31	7	242	280
Limburg	30	1	106	137
Luxemburg	5	1	227	233
Namur	28	5	160	193
The Kingdom	473	59	1,382	1,914

NOTE.—This gives a fair market per every 900 hectares of cultivated land.

TABLE showing Number of Marriages during ten years 1851–60 and age of persons married:—

Age.	Men.	Women.
21 years and under	8,840	37,180
21 to 25 years completed	58,798	88,060
25 to 30 „ „	109,787	96,153
30 to 35 „ „	70,435	54,864
35 to 40 „ „	38,884	28,575
40 to 45 „ „	21,348	15,531
45 to 50 „ „	12,437	8,192
50 to 55 „ „	7,195	3,717
55 to 60 „ „	4,108	1,567
60 to 65 „ „	1,875	680
65 to 70 „ „	769	225
70 to 75 „ „	291	71
75 to 80 „ „	80	12
Over 80 years of age	17	3
	334,864	

On Outgoing and Incoming Tenants.

Relations between the outgoing and incoming tenant vary very much in different parts of the country.

The following are the customs most in force in each province:—

Province of Antwerp.—Leases generally take effect on the 15th March. The outgoing tenant leaves to his successor one-third of the land under tillage, and holds the other two-thirds over the harvest without paying rent for it. As a rule there are no claims for manure or ameliorations; occasionally, however, the outgoing tenant leaves to the incoming tenant the dung and straw which are on the farm at the time that he quits. In some places the crops and manure in the soil are valued by valuers, and the new tenant indemnifies his predecessor. This is all arranged without the intervention of the landlord.

Brabant.—In some localities the farmers on quitting have no right to any sort of indemnity for improvements upon the farm, while in some cases they can claim indemnity

for manures, the seeds in the ground, and the cost of the labour of sowing, &c. Sometimes the outgoing tenant receives half the crops on condition of manuring, working, and sowing the land during the last year of his lease.

His successor receives the other half of the crops, plants, potatoes, sows oats, gathers in the hay, and pays the rent and taxes.

In the sixth district the incoming tenant pays nothing for the manures, nor has he any right for indemnity on this score on leaving.

This practice impoverishes the soil to such an extent that it requires two or three years to get it into order again.

West Flanders.—In a part of this province the outgoing tenant leaves the manure and straw to his successor, who takes them at a valuation. The latter also pays an indemnity for manures (permanent), which indemnity varies according to localities and the nature of the manures. Though as a rule no manures exist after two consecutive crops. In all cases the oil cakes ("les tourteaux") used as manure for tobacco are valued after the harvest at an eighth or tenth of their original value, and guano at one-third after the summer harvest, and at one-fourth after the winter harvest. Lime is considered as an improvement which lasts for five consecutive years; it is valued after the first crop at $\frac{15}{21}$ of its original value, and then successively at $\frac{10}{21}$, at $\frac{6}{21}$, $\frac{3}{21}$, and $\frac{1}{21}$ of that value after second, third, fourth, and fifth crop respectively.

The buildings generally belong to the tenant, so that on his entering upon the land he pays an approximate value to his predecessor, which is usually settled by valuation ("estimation contradictoire") made in most cases by notaries.

In some localities the outgoing tenant must, during the last year of his lease, allow the new tenant to sow clover, and he must provide for the lodging of the latter's labourers and horses. In some cases he must give over all the manure which may be on the farm at a valuation fixed by valuers.

In the Furnes Ambacht district he has no right to indemnity on this score.

In the eighth district the outgoing farmer sells all he can carry away.

The crops on the land are valued either by the parties themselves or by a notary.

In the ninth district, when a tenant leaves a valuation is generally made of the manures, in conformity with certain regulations of the "Chatellenie of Courtrai," dated 5th July, 1703, and October 1671. These regulations have been modified by circumstances and custom, and the principal modifications are set forth in the Convention of the Chamber of Notaries in the district of Courtrai, dated 4th May, 1853.

In the tenth, eleventh, and twelfth districts a valuation is made of the land, woods, and manure, and the incoming pays the outgoing tenant the value thereof.

The following customs also obtain:—The outgoing farmer causes all the manures and crops which his successor may wish to take over to be valued. The latter may accept the valuation at a winter value ("en valeur d'hiver") in the middle of March, or at a full value at the feast of St. John ("à la St. Jean") subject in both cases to paying the entire rent, during the current year, or of only entering upon the farm on the 1st of September. In this case the outgoing tenant pays two-thirds of the rent of the current year.

East Flanders.—In this province a regulation which bears date 17th October, 1671, is still in force with regard to the rights of outgoing and incoming tenants. This regulation, which constitutes the written customs of the ancient Chatellenie of Ghent, is still obligatory in a great portion of the province.

As the greater part of its Articles no longer harmonize with the laws which now regulate property, or with the system of agriculture which prevails during the present day, a revision of the code is much called for.

The following are the customs most generally followed when a farm passes from one farmer to another:—

The outgoing farmer sows all the autumn crops for which he receives an indemnity valued by experts; if there are arrears of rent this indemnity goes towards paying them off.

The outgoing farmer takes the underwood which is in the hedgerows; this underwood is valued by toises of $\frac{3}{60}$ when it has not obtained a six years' growth. If the wood is of an older growth he may cut and dispose of them, unless his lease stipulates to the contrary.

These conditions fulfilled, the new tenant enters upon the land towards the middle of March, and takes possession of the buildings at the commencement of April.

In the sixth district, the outgoing tenant receives indemnity from his suceessor for his manures and for the cost of labour and seeds.

This custom gives rise to many difficulties which are generally sought to be avoided by stipulating in the leases the quantity of manure which the outgoing tenant is to place.

upon the land during the last two years of his tenancy. Experts are appointed to see that the farmer fulfils his contract.

Hainault.—As a general rule, the outgoing tenant leaves to his successor the straw and manure, and allows him to sow clover on a portion of the land. The parties come to an understanding in general as to the indemnity to be paid by the new farmer to the outgoing tenant Sometimes it is stipulated in the lease that a tenant, on leaving, may not sell his standing crops, that they must be thrashed out on the farm, where the straw and manure is to be left.

In some places the incoming farmer has a right to expect housing for his labourers and stock, straw on the farm, and a certain amount of fallow land.

On large farms the outgoing farmer gives up the unconsumed straw and the manure which has not been made use of, as well as the portion of land destined as fallow. Where the cultivation is divided ("culture divisée") it is generally customary to allow the incomer to sow clover on a portion of the wheat land of winter and of March ("emblavures d'hiver et de Mars"), as also to work the land after gathering in the first crop of the last year. Clover is considered as fallow.

Province of Liege.—Leases generally take effect 15th March or 15th May. In the first case the farmer has the right on quitting to the winter crops; in the second, he has also the March crops.

This custom only prevails in the district of Liege. Sometimes the outgoing tenant sows the winter crops, of which he receives the half of the produce in grain the year that he leaves, the other half and the straw remaining to the farm.

The cutting and housing the crops are done by the incoming tenant. The expense of thrashing is divided. In a part of the Condroy the outgoing tenant does the primary labour, carts the manure, and sows clover on the land destined for wheat.

The new tenant pays for the seeds. He is, moreover, bound to house and carry the grain crops ("les durs grains") for which his predecessor pays two-thirds of the rent.

When a tenant is to leave on the 15th of May the outgoing farmer disposes of the manure up to the 1st of November. He sows the spring wheat, which he harvests, as also the winter cereals.

The incomer does the carting, sows clover with the cereals, which are reaped by his predecessor, and plants potatoes. In the Herve country the outgoing tenant has, in general, no right to any indemnity, no matter what money he may have sunk or improvements he may have made.

In some parts he can claim the grain, but the straw and manure must remain on the farm.

Finally, in the canton of Spa, the outgoing tenant leaves to his successor all the forage which may be on the farm at his departure, or such quantity as may have been stipulated in his lease, as also all the manures. He is bound also to till and sow winter crops on an extent of land equal to what he found on taking the farm. In some cases the outgoing tenant, who may have found nothing sown on entering upon the farm, must place at the disposal of his successor the land destined for winter sowing.

Limburg.—Leases generally commence on the 15th of March, for buildings and pasture lands; and on the 15th of August for arable lands.

It is generally stipulated that the farmer, either on entering or leaving, has a right to some of the grain sown, and which constitutes generally about two-thirds of the crop. Some leases allow the incoming tenant half of the grain which he finds sown, and which quantity, on leaving, he must leave to his successor; the straw and manure, however, remain upon the farm. In some places the new tenant does the harvesting; threshing is done at the expense of both, and a division is made in accordance with the proportions stipulated in the leases.

Sometimes also the outgoing tenant is in no way bound as to his successor; nor is he obliged to leave either straw or seed of any kind; the land is thus completely worn out In the eleventh agricultural district the outgoing tenant takes everything except manures and straw. He must leave a certain amount of fallow land for his successor, calculated according to the extent of the farm.

Luxemburg.—In the neighbourhood of Arlon, straw, manure, and most of the green crops are left upon the farm. In some places the new farmer takes over the fallow land, the permanent and artificial grass lands; he must repay to his predecessor the value of the grass seeds. He has the benefit of all manure from the 1st of May to the 3rd of November, and of the straw and green crops which are on the farm on the 1st of May.

His predecessor may take nothing away. Where sheep are fattening the farmer may keep on his flock from the 1st of May, the day he quits, to the 1st of November, while lambs must be taken off the farm at the close of the lease.

In the Ardennes (7th, 8th, 9th, 10th, 12th, 13th, and 14th agricultural divisions) it is customary for the outgoing-tenant to sow the winter and spring cereals, and to harvest and thresh them. The corn belongs to him, the straw to his successor. He may not carry away green or root crops.

No indemnity is granted him for improvements.

The incoming-tenant has a right to the produce of the farm dating from the autumn sowing, and his successor must give him up sufficient land for planting potatoes.

As he generally finds a certain quantity of grass and straw on entering upon the farm, he engages to leave it when he goes out.

In the Canton of Wellin the outgoing-tenant takes his crops and his live and his dead stock.

The incoming-farmer must wait a year, and even eighteen months before he can enjoy any of the produce, or obtain any returns except from hay and pasture.

Province of Namur.—Leases generally commence on the 1st or 15th of May, in the southern part of the province. The outgoing-tenant has no right to dispose of the manure after the 1st of November of the year which precedes his quitting. He is bound to sow for his successor a certain amount of spring seeds and crops as stipulated in the lease; for this he receives his expenses.

The new tenant is bound to facilitate the harvest of the wheat crops, which belong to his successor, and to leave him a place fit for stacking and threshing. The straw remains on the farm.

In the 7th and 8th districts the incoming-tenant is bound to get in the harvest, and to leave the barns at the disposal of his predecessor for the term of one year.

In the Canton of Beauraing the outgoing-tenant leaves on the farm the manure made from the 1st of November.

He leaves also the green crops, and straws of the winter crops, of which he retains the grain, also that from the March sowings, which he sows before leaving; the straw remains to the farm. The incoming-tenant harvests the natural and artificial grass crops, and must reimburse the cost of the artificial seed to his predecessor.

In the Entre Sambre and Meuse the incoming-tenant takes over the meadows or one-third of the arable land, as also the straw from the last harvest, and the manure made from the 1st of November of the preceding year.

In some places the outgoing tenant leaves the straw and manure to his successor and keeps the winter and March cereals. The incoming tenant takes possession of the buildings, he has the hay and the grass crops, but must indemnify the outgoer for the seeds. He is bound, moreover, to carry all the harvest.

Cahier des charges, clauses et conditions auxquelles le Conseil Général d'Administration des Hospices et Secours de la ville de Bruxelles fera procéder par le ministère d'un notaire, à la location publique, aux lieu, jour et heure à fixer, de divers biens ruraux dont la désignation sera faite au procès-verbal de la location.

Art. 1. La location a lieu pour un terme de neuf années consécutives, qui prendra cours le 30 Novembre, 1860.

Cependant il sera facultatif à l'Administration des Hospices seule, de résilier le bail, à la fin de la troisième ou de la sixième année, en faisant renou par exploit d'huissier, six mois avant l'échéance de chaque époque triennale.

Art. 2. Si les biens donnés en location venaient en totalité ou en partie à être échangés, vendus, ou à être exploités comme briqueterie ou comme carrières de pierres ou de sable, de même que s'ils venaient à être trouvés nécessaires à l'utilité publique, l'Administration aura le droit, en tout temps, de résilier le bail en tout ou en partie, et de faire abandonner les biens par les locataires, moyennant de les prévenir deux mois d'avance.

Dans ce cas les locataires auront droit à une indemnité de labour et de semailles qui sera fixée entr'eux et les nouveaux propriétaires ou occupants; à défaut de s'entendre, elle sera fixée conformément au mode d'expertise tracé par l'Article 34 du présent Cahier des Charges; aucune autre indemnité ne pourra être exigée par eux.

En cas d'expropriation, le locataire recevra l'indemnité qui aura été payée pour cet objet à l'Administration.

Si, avant la date fixée pour l'entrée en jouissance, tout ou partie des biens venait à être échangé ou vendu, ou à être exploitée comme briqueterie ou comme carrière de pierres ou de sable, de même que si, avant la dite date, tout ou partie des mêmes biens venait à être

trouvé nécessaires à l'utilité publique, le bail sera considéré comme nul et non avenu, pour les parcelles ou parties des parcelles dont il devrait être disposé, sans que les locataires puissent réclamer, de ce chef, aucune indemnité envers qui que ce soit.

Art. 3. Les preneurs ne pourront exiger aucune indemnité pour le cas où les locataires actuels prétendraient avoir le droit d'occuper les biens compris dans la présente location au delà de la date fixée pour l'entrée en jouissance ; il en serait de même si, par suite de quelque différend, ou pour tout autre motif, l'Administration des Hospices ne pouvait mettre ou maintenir les preneurs dans la jouissance des biens loués, sauf aux preneurs à exercer leurs recours contre les tiers, sans intervention ni indemnité de la part de la dite Administration.

Art. 4. Toutes espèces de contributions et charges publiques, quelles que soit leur dénomination, seront supportées par les preneurs, pendant toute la durée du bail.

Les contributions foncières seront notamment à charge des preneurs pour toute l'année, du moment que celle-ci est commencée pendant leur jouissance, quand même ils viendraient à abandonner le bien loué avant la fin de l'année, soit par suite d'expiration du bail, soit pour violation de l'une ou de l'autre de ses conditions, ou pour toute autre cause que ce soit. Aucune indemnité quelconque ne pourra, de ce chef, être exigeé par les preneurs.

Ceux-ci seront tenus de justifier annuellement du paiement des contributions, au Receveur-Général de l'Administration des Hospices ; à défaut par les preneurs de fournir cette justification, le Receveur-Général exigera, en vertu de la grosse des présentes, le paiement des contributions de la manière et dans la forme établies pour le recouvrement des fermages.

Art. 5. Les preneurs auront la jouissance des biens dont la location leur sera adjugée, ainsi que ces biens se poursuivent et se comportent, sans garantie de la mesure indiquée, dont le plus ou le moins leur fera profit ou perte. Ils seront censés connaître ces biens comme les ayant vus et visités, sans qu'il soit besoin de plus ample désignation.

Ils devront conserver les biens dans leurs limites et contenances, sans permettre qu'aucune borne soit déplacée, ni qu'il soit fait aucune usurpation ou aucun empiètement sur les biens loués, soit par les voisins, soit même par l'autorité publique, s'il s'agit d'un chemin.

Si pendant la durée du bail ou à son expiration, il était trouvé que les preneurs auraient laissé empiéter sur les biens loués, la perte serait récupérée aux dépens des preneurs, et les bornes replacées à leurs frais.

Il est expressément défendu aux preneurs de changer la nature des biens, et d'en confondre la culture avec celle d'autres biens étrangers, comme aussi de faire aucun échange de jouissance, et ce, sous peine de devoir payer, à titre de pénalité, une somme équivalente au prix d'une année de fermage.

Art. 6. Les anciens locataires ne seront pas admis à enchérir, s'ils ne justifient du paiement intégral des fermages échus.

Les nouveaux amateurs qui se présenteront pour louer ou pour enchérir, de même que les personnes qui s'offriront pour co-locataires, devront fournir la preuve constatant qu'ils sont suffisamment solvables.

Art. 7. Les preneurs devront entretenir à leurs frais tous les chemins vicinaux et communaux, ainsi que les grandes routes, fossés, rivières et ruisseaux qui environnent ou traversent les biens compris dans leurs baux, et notamment les fossés des prairies clôturées, et supporter à la décharge des hospices, les travaux frais, journées et corvées, ainsi que les amendes qui peuvent incomber de ce chef. Ils devront, en outre, échemiller les haies et les hurées, et satisfaire à tous les réglements de police à ce relatifs.

Art. 8. Ils devront labourer, fumer et ensemencer les terres en temps et saisons convenables, et y mettre, pendant les neuf années de jouissance, au moins trois engrais complets, dont un pendant les trois dernières années.

Ils devront cultiver par soles et saisons, et suivre les règles habituelles les plus avantageuses pour culture.

La culture des céréales et des plantes fourragères doit être la règle ; les preneurs ne pourront semer, ni planter pendant les deux dernières années de leur bail, des carottes, navets, chicorées ou autres plantes épuisant le sol. S'il résultait, d'une expertise faite conformément aux règles tracées par l'Article 34, que les terres ne sont pas cultivées conformément aux règles d'assolement, ou qu'il y a abus de jouissance, le preneur devrait payer à l'Administration, outre le fermage ordinaire, une année de fermage, à titre de pénalité. Les frais d'expertise seront payés par la partie succombante.

L'Administration aurait en outre la faculté d'user des droits énoncés à l'Article 38.

Les locataires devront tenir les prairies bien saignées et rigolées, arracher les ronces et les épines, enlever les cailloux et les pierres, défaire les taupmières et en éparpiller les

terres, préserver les biens loués de tout cavins, et en général ils devront porter aux biens loués les soins de bons et loyaux fermiers.

Art. 9. Les preneurs seront tenus de cultiver par eux-mêmes ; ils ne pourront, sans le consentement écrit de l'Administration des Hospices, céder leur bail, ni en totalité ni en partie, sous peine de nullité de la cession et de paiement, outre le fermage ordinaire, d'une année de fermage à titre de pénalité.

Art. 10. Les preneurs seront tenus de payer leurs fermages à M. le Receveur-Général de l'Administration des Hospices, en son bureau à Bruxelles, en espèces métalliques d'or ou d'argent ayant cours légal en Belgique, le 30 Novembre de chaque année, excepté le fermage de la dernière année de jouissance, lequel sera payé avant l'enlèvement de la récolte, et, au plus tard, le 1 Juin de la dite année.

Art. 11. L'Administration des Hospices pourra disposer, sans indemnité et comme bon lui semblera, des arbres et têtards existant et croissant sur les dits biens, qu'ils soient plantés par elle ou par les locataires.

Les preneurs n'auront aucun droit à l'étayage des arbres montants et de haute futaie. Cet étayage se fera par les ouvriers de l'Administration et à son profit.

Les arbres qui viendront à se dessécher, ou qui seront abattus par le vent, demeureront la propriété de l'Administration des Hospices, qui en disposera à son gré.

Les preneurs seront responsables des arbres plantés sur les biens qui leur seront loués si, dans les vingt-quatre heures d'un débit commis, ils ne le font pas constater ; ils devront dans ce cas faire remplacer, à leurs frais, les arbres qui auraient été maltraités, brisés, coupés ou enlevés, et payer en outre, sans mise en demeure, à la caisse de M. le Receveur-Général des Hospices, la valeur des arbres à remplacer, estimée comme arbre croissant. A défaut par les parties de s'entendre sur cette évaluation, elle aura lieu par expertise, conformément au mode tracé par l'Article 34, et aux frais des preneurs.

Art. 12. Il sera libre à l'Administration des Hospices de faire en tout temps, sur les biens loués, telles plantations que bon lui semblera. Les preneurs seront tenus de creuser les fosses nécessaires pour des plantations et de faire le transport des arbres ; ils devront garnir les jeunes arbres d'épines et des défenses nécessaires à leur conservation, et les représenter, à la fin de leur bail, en bon état de croissance, le tout à leurs frais et sans indemnité. Chacun des locataires sera également tenu de faire le transport des bornes nécessaires à l'abornement des terres qu'il tient en location, et ce, à ses frais, sans pouvoir exiger, de ce chef, aucune indemnité.

Art. 13. Les preneurs ne seront admis à prétendre à aucune indemnité pour grêle et incendie, d'autant moins qu'ils peuvent faire assurer leurs recoltes contre semblables sinistres ; ils ne pourront également réclamer aucune indemnité pour gelée, inondations, sécheresses, ou autres cas fortuits, prévus au imprévus.

Art. 14. Ils ne pourront, sans autorisation, conduire dans les prairies des chèvres ou autre bétail nuisible.

Art. 15. L'Administration des Hospices se réserve le droit d'exploiter à son profit la tourbe qui pourrait se trouver dans les biens affermés, en indemnisant les fermiers à raison de 37 centimes par an, pour chaque surface de 25 mètres carrés qui sera employée à cette exploitation.

La marne que les preneurs tireront des terres ne pourra être employée qu'à l'amélioration des biens qu'ils tiennent en location de l'Administration des Hospices, et à l'expiration de leur bail ils devront, si cette Administration le juge convenable, combler et niveler à leurs frais les fosses qui auront été creusées pour l'extraction de la marne.

Art. 16. Dans la dernière année de jouissance, les preneurs devront abandonner les terres ensemencées après la dépouille de la récolte, ce qui devra être effectué au plus tard le 15 Septembre de la dite année, pour les fruits durs, tels que l'orge d'hiver, le seigle, le froment, et le colza, et le 1 Novembre suivant, pour tous les autres fruits, ils devront abandonner leurs terres, sans pouvoir exiger aucune indemnité ni diminution de fermage pour les fruits qui n'auraient pas été récoltés à ces époques. S'il arrivait que le présent bail fut renouvelé avant le 1 Avril de l'année dans laquelle il expire, le locataire sortant serait tenu de permettre au locataire entrant de semer dans ses grains et autres fruits des trèfles, sur le tiers au moins de la contenance de ces biens.

Le locataire sortant pourra profiter de ces trèfles jusqu'au jour de la sortie, mais sous condition de n'y laisser paître ni chèvres ni moutons.

Quant aux prairies, les locataires pourront les occuper jusqu'à la fin de leur bail.

Art. 17. Les pailles provenant des biens présentement loués seront converties en fumier pour leur engrais ; elles sont censées appartenir à l'Administration, conséquemment les fermiers ne pourront les vendre ni les distraire d'aucune manière.

Art. 18. Il sera facultatif à l'Administration des Hospices de faire effectuer pendant la durée du bail, aux biens compris dans la présente location, tels travaux qu'elle jugera de

nature à en augmenter la valeur, et spécialement des travaux de drainage. Les locataires des biens sur lesquels ces travaux auront été faits seront tenus de payer à la dite Administration, à partir du 30 Novembre qui suivra la date de leur achèvement, une augmentation annuelle de fermage, calculée à raison de 6 pour cent de la dépense qui en sera résultée, et devront se conformer, pour le paiement de cette augmentation, aux conditions fixées pour le paiement du fermage même.

Les locataires devront en outre entretenir, à leurs frais, ces travaux en bon état; s'il était trouvé que les réparations nécessaires n'auraient pas été faites en temps utile, les locataires seraient tenus de payer de ce chef l'indemnité qui serait fixée de commun accord, et à défaut par les parties de s'entendre à cet égard, au moyen d'expertise, conformément au mode d'expertise tracé par l'Article 34, et aux frais des preneurs.

Art. 19. Tous les réparations quelconques nécessaires à l'époque de l'entrée en jouissance, ou pendant la durée du bail, aux maisons appartenant à l'Administration et qui se trouvent sur les parcelles formant les Articles des biens des hospices (ou de la bienfaisance) seront à charge des locataires, sans pouvoir exiger de ce chef de l'Administration aucune indemnité ou diminution de fermage. Ces travaux sont évalués, mais seulement pour la perception des droits de l'enregistrement à 15 francs par an.

Art. 20. L'Administration fera assurer contre incendie les dites maisons pour une valeur à fixer par elle, et ce tant à son profit comme propriétaire qu'au profit des preneurs comme locataires; ceux-ci devront rembourser annuellement, et sans indemnité, la prime d'assurances et tous frais y relatifs, et ce, de la même manière et aux mêmes clauses que leurs fermages.

Art. 21. Quant aux constructions n'appartenant pas à l'Administration et qui existent sur les parcelles de terre formant les Articles ces constructions devront être enlevés à la date du 30 Novembre, 186— (date du commencement du nouveau bail); néanmoins si le fond sur lequel elles se trouvent venait à être loué aux propriétaires de dits matériaux, les maisons pourraient être maintenus sur place aussi longtemps que l'Administration n'aurait pas sommé les locataires de les faire démolir: mais une fois cette sommation faite, elles devront être démolies, et les matériaux enlevés, endéans les deux mois de la date d'exploit sous peine de paiement à la caisse des hospices d'une somme de 10 francs pour chaque jour de retard.

Il est expressément stipulé que les preneurs anciens et nouveaux ne pourront prétendre à aucune réduction de fermage, ni indemnité quelconque, du chef de la démolition qui devrait se faire pendant le terme de leur occupation, des maisons dont il s'agit.

Art. 22. Toutes les constructions que les locataires éleveront sur les biens qui font l'objet de la présente location, toutes les constructions qu'ils ajouteront aux bâtiments existants, demeureront au profit de cette Administration, sans que les locataires puissent, à leur sortie, exiger une indemnité de quelque chef que ce soit.

Art. 23. Les preneurs se soumettront, sans indemnité aucune, aux décisions que prendra l'Administration à l'effet de livrer passage pour la culture et la récolte des biens environnants ceux qui leur auront été affermés, comme aussi pour toute autre exploitation des mêmes biens.

Il est entendu qu'ils ne pourront permettre aucun passage sur les biens leur loués, sans l'autorisation de l'Administration.

Pour ce qui concerne les décharges qui leur seraient nécessaires au cas d'enclave, pour l'exploitation des biens loués par l'Administration, ils seront tenus de payer tous les frais et honoraires à résulter des poursuites qui devraient être intentées à cet effet, ainsi que les sommes qui pourraient être exigées du chef des décharges fournies, et ce sans indemnité de la part de l'Administration.

Art. 24. En cas de contestations entre différents locataires, au sujet de l'exécution des présentes conditions, il sera statué par l'Administration des Hospices définitivement, sans recours ni opposition quelconque de la part des preneurs.

Art. 25. L'Administration se réserve la faculté de disposer du droit de chasse sur les biens loués.

Art. 26. L'adjudication aura lieu au plus offrant, et après que le notaire aura demandé, à trois reprises, si personne ne veut surenchérir.

Chaque enchère sera de 10 francs au moins, si le fermage dépasse 200 francs, de 5 francs au-dessus de 100 francs, et de 2 francs lorsque le fermage n'atteindra pas 100 francs.

Art. 27. Les frais de la présente location seront à charge des preneurs et payés immédiatement au notaire après l'adjudication, pour chaque lot séparément, sur le pied du tarif suivant :—

Sur le Fermage Annuel de			Frais de Location.	Sur le Fermage Annuel de			Frais de Location.
Frs.		Frs. c.	Frs. c.	Frs.		Frs. c.	Frs. c.
1	à	5 99	4 90	301	à	349 99	41 70
6	„	10 99	6 20	350	„	399 99	44 80
11	„	15 99	6 80	400	„	450 99	48 00
16	„	19 99	8 30	451	„	499 99	51 40
20	„	24 99	9 30	500	„	601 99	58 90
25	„	30 99	10 30	602	„	700 99	64 90
31	„	35 99	11 40	701	„	799 99	70 90
36	„	40 99	12 00	800	„	899 99	79 40
41	„	46 99	12 70	900	„	999 99	86 00
47	„	50 99	13 50	1,000	„	1,149 99	95 60
51	„	61 99	14 80	1,150	„	1,299 99	109 40
62	„	68 99	15 80	1,300	„	1,449 99	119 00
69	„	101 99	18 30	1,450	„	1,599 99	127 00
102	„	124 99	19 20	1,600	„	1,749 99	137 00
125	„	150 99	23 70	1,750	„	1,899 99	147 00
151	„	200 99	29 60	1,900	„	1,999 99	153 00
201	„	249 99	32 80	2,000	„	.. ..	.. ..
250	„	300 99	36 80				

Art. 28. Indépendamment de ces frais, les preneurs seront tenus de verser également entre les mains du notaire, au moment de l'adjudication, 1 pour cent sur le montant d'une année de fermage, à titre de frais de bornage.

Art. 29. Les preneurs seront tenus de présenter, au moment de l'adjudication, un co-locataire, qui sera solidairement tenu avec le preneur, à l'exécution de toutes les clauses du bail.

L'Administration des Hospices pourra, en outre, pendant la durée du bail, si elle le juge convenable, exiger une caution.

Les preneurs et leurs co-locataires, domiciliés hors de l'Arrondissement de Bruxelles, devront y élire domicile: à défaut de le faire, ils déclarent élire domicile en l'étude du notaire instrumentant, où il leur sera fait toutes significations requises.

Cette disposition est également applicable aux cautions qui pourraient être éventuellement exigées.

Toutes contestations au sujet des présentes entre l'Administration et les preneurs ou leurs co-locataires, qui ne seraient pas, aux termes du présent cahier des charges, soumises à la décision d'experts seront portées, d'après leur nature et le degré de juridiction qu'elles comportent, devant le tribunal de première instance, ou devant la justice de paix du deuxième canton de la ville de Bruxelles.

Art. 30. Chacun des preneurs retirera à ses frais, pour ce que le concerne, un extrait du présent bail, et consent à ce que l'Administration soit dispensée d'en faire la signification en cas de poursuites, de manière qu'un simple commandement suffira pour l'exécution de tout ce qui est contenu dans les clauses et conditions du présent cahier des charges.

Les preneurs et leurs co-locataires renoncent bien expressément dès-à-présent et pour lors, à toutes les exceptions et à toutes les prescriptions contraires établies par le Code de Procédure Civile.

La présente stipulation a pour objet d'éviter des frais inutiles.

Art. 31. En cas de poursuites en paiement des fermages échus, les fermages de l'année courante deviendront immédiatement exigibles; il en serait de même si la récolte venait à être saisie à la requête d'un tiers.

Art. 32. Il est défendue aux preneurs de vendre la récolte et les fruits sur pied, sans autorisation spéciale et écrite du Conseil-Général de l'Administration, sous peine de paiement d'une année de fermage à titre de pénalité.

Art. 33. A l'expiration de leur bail, ou en cas de résiliation (sauf ce qui est dit au paragraphe final de l'Article 38), les locataires auront droit à une indemnité d'engrais, mais seulement pour autant que le bien soit loué à un autre locataire, et uniquement vis-à-vis de ce dernier, sans pouvoir, de ce chef, exercer aucun droit contre l'Administration des Hospices, soit que le bien reste inoccupé, soit pour tout autre motif.

Les terres sont divisées en trois classes pour la fixation de l'indemnité d'engrais, savoir:—

Première Classe.—Jardins potagers, terres en jachères et terres sur lesquelles on a récolté la dernière année des pommes de terre, des colzas, des trèfles, des fèves et des pois.

Pour ces terres, l'indemnité d'engrais ne pourra être évaluée à plus de 150 francs par hectare.

Deuxième Classe.—Terres sur lesquelles on a récolté la dernière année du froment.

Pour ces terres, l'indemnité d'engrais ne pourra être évaluée à plus de 100 francs par hectare.

Troisième Classe.—Terres sur lesquelles on a récolté la dernière année des navets, de l'avoine, de l'orge, du seigle, du sarrazin, des carottes, des chicorées et des betteraves.

Pour ces terres, l'indemnité d'engrais ne pourra être évaluée à plus de 50 francs par hectare.

Quant aux prairies, et aux terres sur lesquelles on aurait récolté d'autres fruits que ceux designés ci-dessus, les locataires devront s'en rapporter à la classification des experts qui les placeront dans l'une des classes spécifiées.

Art. 34. Toutes contestations entre l'Administration et les préneurs quant aux cas prévus aux Articles 8, 11, et 18, ainsi que celles relatives à l'exécution des Articles 3 et 33, et toutes autres de nature à être tranchées par expertise, seront soumises à la décision sans appel de deux experts, nommée par les parties ; si ces experts ne peuvent tomber d'accord, il sera nommé, à la requête de la partie la plus diligente, un tiers expert par M. le Juge de Paix du Canton où les biens sont situés, et en cas de refus de celui-ci par M. le Président du Tribunal de Bruxelles.

Si l'une des parties restait plus de huit jours, à partir de l'avis donné par l'autre, contre récepissé, par exploit d'huissier ou par lettre chargée à la poste, à désigner son expert, il sera également nommé à la diligence de l'autre, de la manière indiquée ci-dessus.

Si l'un des experts ne se réunissait pas à ses collègues dans le délai voulu, il sera pourvu à son remplacement, dans la forme qui vient d'être déterminée.

Les frais d'expertise seront supportés par moitié par chacune des parties, à moins qu'il n'ait été stipulé autrement par le cahier des charges.

Art. 35. Les nouveaux locataires devront, sans intervention ni indemnité de la part de l'Administration des Hospices, exécuter à leurs frais les conditions réglant l'occupation des locataires actuels, desquelles conditions ils déclarent avoir parfaite connaissance.

Art. 36. Il est défendu au locataire entrant de payer au locataire sortant l'indemnité à laquelle celui-ci pourrait avoir droit pour engrais, ou pour tout autre chef, sans avoir obtenu du Receveur-Général de l'Administration la déclaration que le locataire sortant ne doit plus rien aux Hospices. Si, au contraire, le locataire sortant était débiteur de l'Administration, le locataire entrant paiera au bureau du Receveur-Général le montant de l'indemnité dont il s'agit, jusqu'à concurrence de l'import de la dette de l'ancien locataire.

Art. 37. Il est expressément stipulé que la tacite reconduction n'aura pas lieu à l'expiration du présent bail, qui cessera de plein droit à l'époque fixée.

Si, à cette époque, l'Administration n'avait pas renouvelé le bail, et si les locataires continuaient cependant à occuper les biens, ils ne pourraient pretendre à aucun nouveau terme; mais il leur serait permis de continuer leur occupation jusqu'au 30 Novembre suivant, aux clauses et conditions de la présente location.

Art. 38. Les clauses et conditions du présent cahier des charges, ainsi que celles qui pourraient devoir être insérées au procès-verbal de la location, seront de stricte interprétation, et ne pourront être réputées comminatoires. A défaut par les preneurs de s'y conformer, il sera facultatif à l'Administration des Hospices, si elle le juge convenable, de résilier la location, moyennant un simple avertissement par huissier, et ce sans préjudice aux autres pénalités stipulés dans le bail, ainsi qu'à tous dommages et intérêts.

En cas de résiliation par application de la présente clause, les preneurs ne pourront réclamer ni des Hospices, ni des nouveaux locataires, aucune indemnité pour engrais, ni de quelqu'autre chef que ce soit.

Art. 39. La présente location ne sera définitive qu'après approbation par le Conseil-Général des Hospices et par l'autorité compétente.

Ainsi fait et arrêté en séance du

M. de Boeck's Opinion on the Law of Real Property, Successions, Leases, and Registering of, &c.

Q. 1. Quelle est la loi qui règle la succession et la division des terres après le décès du propriétaire ?—*R.* (A.) Le Code Civil : Livre III, Titre I, " Des Successions," Articles 718 à 892 ; Titre II. " Des donations entre vifs et des testaments." Les chapitres qui dans ce titre concernent les testaments sont :

Chapitre I. Dispositions générales ; Chapitre II. De la capacité de disposer ou de recevoir par donation entre vifs ou par testament ; Chapitre III. De la portion de biens disponibles et de la réduction.—Les dispositions de ces chapitres sont communes aux donations entre vifs et aux testaments.

Chapitre V. Des dispositions testamentaires. — Les dispositions de ce chapitre concernent spécialement les testaments.

Chapitre VI. Des dispositions permises en faveur des petits enfants du donateur ou testateur ou des enfants de ses frères et sœurs.—Les dispositions de ces chapitres sont de nouveau communes aux donations et aux testaments.

Chapitre VII. Des partages faits par père, mère, ou autres ascendants entre leurs enfants.

Chapitre VIII. Des donations faits par contrat de mariage aux époux et aux enfants à naître du mariage.

Chapitre IX. Des dispositions entre époux, soit par contrat de mariage, soit pendant le mariage.

(B.) Le Livre II. "Du Code de Procédure Civile," concernant les procédures relatives à l'ouverture d'une succession. Ce livre comprend—

Titre I. De l'apposition des scellés après décès.
Titre II. Des oppositions aux scellés.
Titre III. De la levée du scellé.
Titre IV. De l'inventaire.
Titre V. De la vente des mobiliers.
Titre VI. De la vente des biens immeubles.
Titre VII. Des partages et licitations.
Titre VIII. Du bénéfice d'inventaire.
Titre IX. De la renonciation à la communauté ou à la succession.
Titre X. Du curateur à une succession vacante.

(C.) Le Code Civil et le Code de Procédure Civile dans les matières sus rappelées ont été modifiés par diverses lois dont on trouvera la nomenclature en note des Articles du Code annoté par Delbecque.

Il faut y ajouter la Loi du 26 Avril, 1865, sur le droit des étrangers de succéder en Belgique.

Toutes ces lois qui précèdent consacrent les principes suivants que nous croyons utile de faire ressortir pour faire connaître brièvement le système des successions en Belgique :—

(1.) Depuis la Révolution Française il n'existe plus en Belgique de biens féodaux. Tous les biens sont soumis à la même loi. Il n'existe plus entre eux d'autres distinctions que celles qui résultent de leur nature de meubles ou d'immeubles (terres ou maisons). —Code Civil, Livre II, Titre I.)

(2.) A la mort d'une personne sa succession forme une personne morale appel e hérédité, composée activement de tous les biens qu'elle délaisse, sans aucune distinction de meubles ou d'immeubles, et passivement de toutes les dettes antérieures ou postérieures au décès. (La personne morale sous-mentionnée est appelée indifféremment hérédité ou succession.)

(3.) L'hérédité est dévolue à un ou des héritiers, qui continuent la personne du défunt, tant activement que passivement, de telle sorte qu'au moment même du décès l'héritier seul ou les héritiers indivisément sont investis de plein droit de la propriété et de la possession de tous les biens, sans distinction, qui composent l'actif de l'hérédité, et sont en même temps chargés de toutes les dettes du défunt, comme le défunt lui-même. L'héritier ou les héritiers sont même tenus des dettes de l'hérédité au-delà des forces de la succession ; mais la loi rémédie aux conséquences fâcheuses de ce principe en permettant à l'héritier de renoncer à la succession ou de ne l'accepter que sous bénéfice d'inventaire. Dans ce dernier cas, l'héritier n'est tenu que jusqu'à concurrence de l'actif de la succession.

(4.) Les héritiers sont ou légaux ou testamentaires.

Quand le défunt laisse des parents en ligne directe (descendants ou ascendants), la loi n'admet pas d'autres héritiers. Il peut dans ce cas avoir aussi des légataires par testament ; mais la loi défend à toute personne de disposer par donation entre vifs ou par testament de tous ses biens au préjudice soit des descendants soit des ascendants. La personne qui se trouve dans l'un de ces cas ne peut disposer que d'une partie. La quotité que la loi réserve aux descendants et aux ascendants, s'appelle " la réserve." La quotité dont le défunt a pu disposer s'appelle " la quotité disponible."

La réserve et la quotité disponible sont fixés par les Articles 913, 914, 915, 1094, et 1098 du Code Civil.

Quand le défunt ne laisse ni descendants ni ascendants, il peut disposer de tous ses biens par testament (Article 916 du Code Civil).

Dans ce cas, le ou les légataires institués pour recueillir tous les biens du défunt, prennent la qualification de légataires universels, et ils sont considérés sous tous les rapports commes les héritiers du défunt (Articles 1003 à 1009 du Code Civil).

A défaut de légataire universel, soit que le défunt n'en ait pas institué, soit qu'en cas d'existence de descendants ou d'ascendants qui acceptent l'hérédité, la loi prohibe le legs universel, la succession est dévolue aux héritiers légaux dans l'ordre indiqué par les Articles 731 à 749 du Code Civil, savoir:—

1. Les enfants ou descendants, sans distinction de sexe ni de primogéniture.

Ils succèdent par égales portions et par tête, quand ils sont tous au premier degré. S'ils ne sont par tous descendants du premier degré, ils succèdent par souche; les descendants d'un autre degré que le premier représentent leur auteur du premier degré (Article 745 du Code Civil).

2. A défaut d'enfants ou descendants la succession est dévolue :

(A.) D'abord, aux père et mère en concours avec les frères et sœurs, ou les descendants de ceux-ci par représentation ; on distingue entre les frères et sœurs germains, consanguins, et utérins (Articles 748 et 749).

(B.) A défaut de père et mère, aux frères et sœurs ou à leurs descendants par représentation ; on distingue entre les frères et sœurs germains, consanguins, et utérins (Articles 750 et 751).

(C.) A défaut de frère et sœur ou de descendants d'eux, aux ascendants les plus proches tant de la ligne paternelle que de la ligne maternelle ; moitié pour chaque ligne. Les ascendants au même degré succèdent par tête (Article 746).

(D.) A défaut d'ascendant dans l'une ou l'autre ligne, la moitié dévolue à chaque ligne revient aux parents collatéraux les plus proches. Les collatéraux au même degré partagent par tête (Article 753).

Les collatéraux sont admis à succéder jusqu'au douzième degré (Article 755).

(E.) A défaut de collatéraux au douzième degré, la succession est dévolue à l'époux survivant (Article 767).

(F.) A défaut d'époux survivant, la succession est dévolue à l'Etat.

Les enfants naturels reconnue ne sont pas comptés comme héritiers, mais ils ont droit à une part dans la succession (Articles 756 et 759).

Ils sont mêmes préférés au conjoint survivant et à l'Etat (Article 758).

(5.) Dans le partage des successions, la loi consacre les principes suivants :—

(A.) L'égalité entre tous les héritiers légaux appelés à recueillir une succession et l'ayant acceptée.

Le principe de l'égalité est poussé si loin que tout héritier doit restituer à la succession tout ce qu'il a reçu du défunt par donation entre vifs, directement ou indirectement ; il ne peut même réclamer le legs fait par le défunt, à moins que les dons et legs n'aient été faits expressément à l'héritier par préciput et hors part et avec dispense de rapport (Article 843). La loi présume que, sauf le cas où le défunt aurait déclaré manifestement le contraire, il a lui-même voulu maintenir l'égalité complète entre tous les héritiers qui ont accepté sa succession.

Il est à noter qu'en aucun cas il n'est permis d'avantager un héritier au delà de la quotité disponible. (Voir ci-dessus.)

(B.) La partage en nature non seulement des meubles mais aussi des immeubles de la succession.

Dans le cas où les immeubles ne peuvent pas commodément se partager en nature, ils sont vendus et le prix en est partagé entre les héritiers.

Le principe est que, dans tous les cas où un partage est nécessaire, les immeubles soient partagés en nature, c'est-à-dire, divisés.

La vente est l'exception et ne doit avoir lieu que lorsque le partage en nature n'est pas commode (Article 827 du Code Civil).

Ce principe, combiné avec la dévolution de toute succession, sans distinction de biens, à tous les descendants ou autres parents sans distinction de sexe ni de primogéniture, a pour but et effet d'empêcher l'accumulation de la propriété foncière sur un petit nombre de têtes et de diviser au contraire la propriété foncière entre le plus grand nombre d'individus possible. Appliqué aux terres, il a pour conséquence la division du sol entre les mains d'un nombre considérable de propriétaires, et de permettre à tout le monde d'acquérir une partie du sol.

Ce système a été introduit en Belgique par la Révolution Française, et dans un but politique. Sous ce rapport il est facile de se rendre compte des résultats qu'il a produits. Sous le rapport économique, ce système contrarie la grande culture.

Cependant, il existe encore en Belgique de grandes exploitations agricoles, particulièrement dans le midi du Brabant et dans le Hainaut, soit parce que certaines personnes

opulentes sont parvenues à conserver ou à acquérir de grandes propriétés, soit parce que des fermiers sont parvenus à louer des terres d'un certain nombre de propriétaires et à les réunir au moyen de baux à ferme dans une grande exploitation agricole.

A cet égard, tout dépend du propriétaire.

Dans certaines localités il a intérêt à affermer sa terre à un fermier qui en cultive déjà beaucoup d'autres ; dans d'autres localities, il a intérêt à les affermer à un petit cultivateur.

1. Il faut noter toutefois—que le partage en nature n'est pas obligatoire.

Les intéressés peuvent sortie d'indivision comme ils l'entendent (Article 985 du Code de Procédure Civile) ; ainsi, s'ils sont d'accord, ils ne sont pas tenus de diviser ou de morceler les immeubles qu'ils possèdent dans l'indivision, par exemple en vendant le tout en bloc, ou en donnant à l'un des héritiers le montant de sa part en immeubles et à l'autre le montant de sa part en autres valeurs d'une autre nature. Le partage ou la division des immeubles en nature n'est obligatoire que lorsque les héritiers ne sont pas d'accord et que ce mode de partage est possible.

2. Que le partage en nature des immeubles n'entraine pas toujours le morcellement des propriétés. Si, par exemple, dans une succession dévolue à deux héritiers, il y a deux terres, chacun en reçoit une et aucune des deux terres n'est morcelée. La loi veut même que le morcellement soit évité, s'il est possible (Article 832 du Code Civil).

3. Que, dans le cas où le partage en nature ne peut avoir lieu sans morceler une terre, la terre n'est divisée (si les copartageants ne sont pas d'accord) qu'après que le tribunal a décidé qu'elle est commodément divisible. Ainsi, en cas de contestation, la loi donne aux tribunaux le soin d'empêcher que les terres ne soient morcelées d'une manière préjudiciable à l'intérêt public et particulier. Avant de se prononcer les tribunaux prennent d'ordinaire l'avis d'experts (Article 824 du Code Civil).

On peut dire qu'il n'existe à cet égard aucune autre règle que l'appréciation des tribunaux, qui doivent dans cette question tenir compte de l'intérêt public et de l'intérêt particulier. Ainsi, la Cour de Bruxelles a décidé le , 1869, qu'une exploitation de située dans la Campine (partie de la province d'Anvers) ne pouvait pas être divisée, parce que la nature du sol ne permettait pas de cultiver par petites parcelles. Le même propriété, si elle avait été située aux environs de Bruxelles, aurait été divisée.

(c.) La loi ne permet pas que quelqu'un s'engage à rester dans l'indivision pour plus de cinq ans, mais cet engagement peut être renouvelé (Article 815).

Q. 2. De quelle manière fait-on légalement la vente, la cession, l'échange, ou la division des terres ? Est-ce par actes distincts ou par un simple enregistrement ? Quel est le coût de ces actes ou enregistrement ?—*R.* Les ventes, cessions, échange et partage des immeubles (et par conséquent des terres) s'opèrent de la manière suivante :—

(1.) La vente, la cession, l'échange ou le partage sont constatés entre les parties par un acte authentique (un acte passé devant notaire ou un jugement). Les actes authentiques sont seuls admis à la transcription (voir ci-après, 3).

(2.) L'acte constatant la vente, la cession, l'échange, ou le partage doit être enregistré sous peine d'amende. L'enregistrement a pour but de donner une date certaine à l'acte et de percevoir un impôt sur l'opération. On peut même dire que la perception de l'impôt est le but principal de l'enregistrement. C'est pourquoi le défaut d'enregistrement d'un acte sous seing privé dans les trois mois de sa date est puni d'une amende, qui consiste dans le paiement du double droit. Les actes notariés doivent même être enregistrés dans un délai plus court, sous peine d'amende contre le notaire.

Les droits d'enregistrement que l'Etat perçoit sont les suivants :—

(A.) Sur les ventes, cessions, et tous autres actes translatifs de propriété des biens immeubles, 4 pour cent de la valeur des dits biens plus 30 pour cent de droits additionnels, ce qui porte la perception totale à 5 francs 20 centimes pour cent.

(B.) Sur l'échange de deux immeubles le droit d'enregistrement est de 60 centimes ou de 78 centimes, avec les additionnels par 100 francs. La taxe n'est perçue que sur l'une des parts échangées. (Loi du 1 Juillet, 1869.)

(C.) Sur les partages de biens de toute nature entre co-propriétaires il n'est perçu qu'un droit fixe de 5 francs 9 centimes (6 francs 61 centimes avec les additionnels).

Au surplus les lois relatives au droit d'enregistrement forment tout un code. La théorie de ces lois est expliquée par de nombreux auteurs. Le livre le plus facile à comprendre est le traité de M. Bastiné. On pourrait le joindre à la présente.

La loi du 1 Juillet, 1869 a réduit le droit d'enregistrement dans plusieurs cas.

(3.) L'acte étant enregistré est soumis à la formalité de la transcription ; c'est-à dire, qu'une expédition en est déposée dans un bureau *ad hoc*, et qu'il est transcrit tout entier dans un registre.

Ce registre est public, en ce sens que tout le monde peut obtenir une copie de tous

les actes qui s'y trouvent. Le coût de la transcription est de $1\frac{1}{4}$ pour cent. Ce droit a été réduit pour certaines mutations d'immeubles par la Loi du 1 Juillet, 1869.

La transcription a pour effet de transmettre la propriété des immeubles à l'égard des tiers.

Par exemple si, par une fraude quelconque, le propriétaire d'une terre vendait cette terre à deux personnes différentes, celle qui la première aurait fait transcrire son acte serait considérée comme le seul propriétaire. L'autre n'aurait de recours que contre son vendeur. Il doit se reprocher d'avoïr traité sans s'être assuré d'abord au bureau de la transcription que la propriété n'était pas vendue.

Il est d'usage de déposer le prix de vente en main tierce jusqu'à ce que la formalité de la transcription soit accomplie.

Le même système de publicité existe pour les hypothèques. Seulement la formalité, au lieu de s'appeler transcription, s'appelle inscription. Tout ce régime est réglé par la Loi du 16 Décembre, 1851, qui se trouve dans le code ci-joint à la suite du Code Civil.

Q. 3. Donne-t-on des facilités spéciales pour faire des emprunts sur terres? Ces facilités sont-elles données par le Gouvernement, des sociétés publiques ou des banques subsidiées par le Gouvernement, ou d'une autre manière, &c. ?—*R.* Non.

Q. 4. Est-ce que les terres sont en général fort grévées, et quel est le taux ordinaire des intérêts ?—*R.* Les terres sont en général peu grevées. Les placements d'argent avec hypothèque sur terre sont les plus recherchés. Le taux des intérêts est en général de 5 pour cent.

Q. 5. De quelle manière s'enregistrent les hypothèques; qu'el est le coût de l'enregistrement et des formalités y relatives?—*R.* De même que le transfert de la propriété, la constitution d'une hypothèque par Convention exige trois conditions :—

(A.) Un acte authentique, d'ordinaire un acte devant notaire.

(B.) Cet acte doit être enregistré. L'enregistrement est encore ici plutôt un impôt qu'une formalité prescrite dans l'intérêt de la chose même. L'hypothèque garantissant un droit d'obligation, il est perçu sur le montant de l'obligation un droit de 1 franc pour cent, avec 30 centimes de droits additionnels.

(C.) L'acte authentique enregistré pour avoir de l'effet à l'égard des tiers doit être inscrit sur les registres du bureau de la conservation des hypothèques.

L'hypothèque ne prend son rang qu'à dater du jour de l'inscription. (Voir Articles 81 à 91 de la Loi du 16 Décembre, 1851, sur le régime hypothécaire. Cette loi se trouve à la suite du Code Civil.)

Q. 6. Quelle est la nature de la location, sa durée ordinaire, et les principaux incidents qui s'y rattacheut? Les sous-locataires peuvent-ils céder leur bail, et, dans ce cas, le bailleur doit-il consentir à la cession?—*R.* Le bail à ferme est un contrat entre le possesseur du sol et un fermier, par lequel le premier s'oblige à faire jouir le second d'une propriété rurale pendant un certain temps et moyennant un certain prix. (Les règles du bail à ferme sont indiquées dans le Code Civil dans les Articles 1714 à 1751, et 1763 à 1778.)

Le bail ne donne au fermier aucun droit réel sur l'immeuble. La durée ordinaire des baux est de neuf ans. Quand il s'agit d'une ferme d'une grande importance, le bail est quelquefois convenu pour douze, quinze, ou même dix-huit ans.

Quand il s'agit d'une exploitation de peu d'étendue, par exemple d'une simple pièce de terre sans bâtiments, elle est souvent donnée à bail sans écrit et sans terme convenu.*

Un bail de plus de neuf ans ne peut être opposé aux tiers s'il n'est transcrit au Bureau de la Conservation des Hypothèques (Article 1 de la Loi précitée du 16 Décembre, 1851).

Le droit de sous-louer ou de céder son bail est réglé par la convention des parties. A défaut de convention à cet égard, le fermier peut sous-louer et céder sa terre (Article 1717 du Code Civil), à moins que le bail n'ait été donné à la condition d'un partage de fruits avec le bailleur (Article 1763); mais ce dernier genre de bail n'est nullement usité. Aucune loi n'oblige le bailleur à consentir à une sous-location ou cession, si le contraire n'a été convenu.

Q. 7. Les baux se font-ils verbalement ou par écrit? En l'absence d'un écrit, quelle est la durée fixée ou présumée par la loi pour l'occupation?—*R.* Les baux d'une certaine importance son faits d'ordinaire par écrit; les autres sont faits d'ordinaire verbalement.

* Quelquefois pour les propriétés rurales de peu d'importance les bailleurs agissent comme pour les maisons de la ville et les louent pour trois, six ou neuf ans, avec faculté de résiliation pour le locataire à l'expiration de chaque triennal.

Le bail fait sans écrit d'un fonds rural est censé fait pour le temps qui est nécessaire afin que le preneur recueille tous les fruits de l'héritage affermé.

Ainsi, le bail à ferme d'un pré, d'une vigne, et de tout autre fonds dont les fruits se recueillent en entier dans le cours de l'année, est censé fait pour un an.

Le bail des terres labourables, lorsqu'elles se divisent par soles ou saisons, est censé fait pour autant d'années qu'il y a de soles.

Ce sont les termes de l'Article 1774 du Code Civil. Par soles ou saisons, la loi indique l'usage suivi dans certaines contrées de laisser une partie d'une terre en friche pendant un ou deux ans, et de ne cultiver chaque année que la moitié ou les deux-trôisièmes de cette terre.

En Belgique ce mode de culture n'est plus suivi ; mais il est d'usage d'engraisser les terres de manière à en retirer plusieurs récoltes successives de différentes espèces (par exemple, pommes de terre, froment, avoine). Les tribunaux décident que, si une terre est cultivée de cette manière, le bail sans écrit doit avoir la durée nécessaire pour que le fermier puisse retirer de la terre le profit de l'engrais qu'il y a mis.

Q. 8. Existe-t-il un système pour l'enregistrement d'une convention écrite? Quelle est la nature de ce système?—*R.* Voyez la réponse à la Question 6.

L'enregistrement est plutôt un impôt. Il a cependant pour effet de donner date certaine au bail sous seing privé.

Si le bailleur vend la terre louée, l'acquéreur ne peut expulser le fermier qui a un bail authentique ou dont la date est certaine, à moins qu'il ne se soit réservé ce droit par le contrat (Article 1743 du Code Civil). De plus si le bail excède neuf ans, il doit être sommis à la formalité de la transcription (Article 1 de la Loi précitée du 16 Octobre, 1851). A défaut de transcription la durée en est réduite conformément à l'Article 1429 du Code Civil, c'est-à-dire, à neuf ans.

Q. 9. Existe-t-il une loi ou coutume quelconque donnant au locataire le droit de rester en possession de la terre aussi longtemps qu'il paie exactement le loyer stipulé ou celui qui doit être fixé par les tribunaux, un contrat, ou des arbitres?—*R.* Non. Le bail étant expiré, aucune loi ou coutume n'oblige le bail à conserver le fermier.

Q. 10. Existe-t-il une loi ou coutume qui autorise le locataire à vendre son droit à la terre louée, avec ou sans le consentement du propriétaire, et, dans ce cas, à quelles conditions?—*R.* Si le bail n'est pas expiré, le fermier peut céder son bail (voir Question 6). Le bail étant expiré, le bail peut obliger le fermier à quitter son exploitation. Si le fermier a fait des impenses (constructions, drainage, engrais) qui ne sont pas indispensables, et qui se trouvent encore en tout ou en partie incorporés au sol, les droits des parties relativement à ces impenses est réglé par leurs conventions. A défaut de convention, le propriétaire ne doit rien payer de ce chef; mais le fermier a le droit, s'il le peut, d'enlever tout ce qu'il a fait, à condition de rendre sa terre dans le même état qu'il l'a reçue. (Voir question No. 17.) Cependant, en ce qui concerne les engrais, il existe dans chaque localité des coutumes qui, à défaut de convention contraire, règlent les rapports du fermier sortant et du fermier entrant. Ces contumes sont indiquées aux pages xlix à liv du Recueil de Statistique Agricole publié en 1862 pour le Gouvernement.

Q. 11. Le loyer est-il payable aux propriétaires en argent ou eu nature, ou par une part dans les bénéfices des produits?—*R.* Le propriétaire et le fermier peuvent régler les loyers comme ils l'entendent. En général tous les fermages sont payés en argent. Il existe peu d'exemples de fermages payés en nature ou au moyen d'une part dans les bénéfices.

Q. 12. Le loyer est-il fixé par coutume, par estimation, ou par adjudication? Si c'est par coutume, quelle est la nature? Est-elle reconnue par les tribunaux? Si le loyer est réglé par estimation, quel est le mode d'opérer? Par qui l'estimation est-elle faite? Le loyer est-il payable par année, par sémestre, ou autrement?—*R.* Les fermages sont réglés par convention entre le propriétaire et le fermier. Le bail étant expiré, le propriétaire traite avec le fermier qu'il veut et le fermier avec le propriétaire qu'il veut. D'ordinaire ces conventions se font sans recourir à l'adjudication publique. Cependant certains établissements publics possédant des terres ont l'habitude de mettre les baux à ferme en adjudication publique. Le bail est accordé au plus offrant, pourvu qu'il présente les garanties nécessaires pour une bonne exploitation. Aucun propriétaire n'ayant de fermier contre son consentement, les fermages ne sont point réglés par la coutume ou par estimation. Le plus communément les fermages sont stipulés payables par année après l'échéance, et non par anticipation, et l'échéance est fixée d'ordinaire au 30 Novembre. Il en est ainsi pour presque tous les anciens baux. Mais depuis quelques années, on

commence à stipuler que le bail à ferme commencera et finira après l'enlèvement de la première récolte de l'année, c'est-à-dire, vers le 15 Septembre. Le paiement du fermage est stipulé alors pour la même époque. Cette convention a pour avantage de permettre au locataire entrant de labourer et d'ensemencer lui-même sa terre pour l'année suivante, et d'éviter les comptes pour reprise de labour et ensemencement avec le fermier sortant et le fermier entrant.

La loi prévoit le cas où il y aurait contestation sur le prix d'un bail verbal dont l'exécution a commencé. Dans ce cas, s'il n'existe pas de quittance, le propriétaire est cru sur son serment, si mieux n'aime le locataire demander l'estimation par experts; auquel cas les frais d'expertise restent à sa charge, si l'estimation excède le prix qu'il a déclaré (Art. 1716 du Code Civil). C'est le seul cas où le prix d'un bail peut être réglé par estimation.

Q. 13. Le propriétaire a-t-il un pouvoir illimité d'augmenter le loyer et de faire déguerpir son locataire en défaut de payer son loyer ou pour infraction au contrat? Peut-il faire déguerpir son locataire pour d'autres causes?—*R.* Le propriétaire, en traitant de la location de sa terre, est libre de demander tels fermages qu'il lui convient, mais il va de soi que s'il ne trouve personne qui consente à donner le prix qu'il demande, il en est réduit à laisser sa terre non-cultivée ou à la cultiver lui-meme. Le propriétaire peut faire déguerpir son fermier en cas de non-paiement des loyers. Il peut encore le faire déguerpir pour toute autre infraction au contrat.

Il ne peut le faire déguerpir pour aucune autre cause.

Q. 14. Quels sont les moyens de procédure par lesquels les droits respectifs de locataires et de propriétaires pour le recouvrement des loyers et autres réclamations sont poursuivis? La loi donne-t-elle aux propriétaires un privilége exclusif sur les autres créanciers?—*R.* Aux termes de l'Article 20 de la Loi du 16 Décembre, 1851, "les fermages des immeubles sont privilégiés sur les fruits de la récolte de l'année, et sur le prix de tout ce qui garnit la ferme et de tout ce qui sert à l'exploitation de la ferme, savoir, pour trois années échues; en outre, pour l'année courante et pour celle qui suivra, et même, si les baux sont authentiques ou si, étant sous signature privée, ils ont une date certaine, pour tout ce qui est à echoir; dans ce dernier cas, les autres créanciers ont le droit de relouer la ferme pour le restant du bail et de faire leur profit des fermages, à la charge de payer au propriétaire tout ce qui serait encore dû.

"Le même privilége existe pour les réparations qui incombent au fermier et pour tout ce qui concerne l'exécution du bail.

"Le propriétaire peut saisir les meubles qui garnissent sa ferme lorsqu'ils ont été déplacés sans son consentement, et il conserve sur eux son privilége, pourvu qu'il en ait fait la revendication dans le délai de quarante jours.

Pour exercer son droit de privilége le propriétaire a recours à la procédure connue sous le nom de "saisie-gagerie," et qui est reglée par les Articles 819 et suivants du Code Civil.

Cette procédure est des plus expéditives.

Dès que le fermier est en retard de payer son fermage, fût-ce d'une heure, le propriétaire peut lui faire notifier un commandement de payer par un huissier; vingt-quatre heures après ce commandement, il peut saisir tous les effets et fruits étant dans les bâtiments ruraux et sur les terres.

Il assigne ensuite le débiteur devant le tribunal pour en obtenir un jugement qui valide la saisie.

Ce jugement obtenu, le propriétaire peut faire vendre les effets et fruits saisis, et se paie sur le prix. Dans les cas urgents, le propriétaire peut même saisir sans commandement préalable, mais en obtenant l'autorisation du juge.

Q. 15. Quel est le mode de procédure par lequel un propriétaire fait déguerpir un locataire? Quel avis faut-il notifier au locataire? Quels sont les moyens de défense du locataire contre le déguerpissement? En cas de déguerpissement pour non-paiement de loyer, un délai est-il accordé au locataire pour se remettre dans son ancienne position?—R. La procédure à suivre pour l'expulsion d'un fermier, soit pour cause d'expiration de bail, soit pour défaut de paiement, est aussi des plus expéditives. Dès que le bail est expiré ou que le fermage est exigible, le propriétaire peut assigner le fermier à comparaître soit devant le Juge de Paix du canton, soit devant le Président du Tribunal de première instance pour le faire condamner à déguerpir. Assignation doit être donnée pour comparaître devant le Juge de Paix si les fermages pour toute la durée du bail n'excèdent

pas 200 francs; dans le cas contraire, elle doit être donnée pour comparaître devant le Président du Tribunal (Loi du 5 Octobre, 1833, et Loi du 25 Mars, 1841).

Entre l'assignation et le jour de la comparution le délai normal est de un jour franc.

Dans le cas de demande d'expulsion pour défaut de paiement, le Juge de Paix ou le Président interposent souvent leur autorité pour faire accorder un court délai au fermier.

Si le fermier se présente à l'audience avec la somme nécessaire pour payer le montant de son fermage et les frais, l'expulsion n'est jamais ordonné.

L'expulsion étant prononcée, le fermier doit partir dans un délai qui est fixé *ex æquo et bono* dans le jugement (ce délai est d'ordinaire de huit ou quinze jours au plus.

Q. 16. Les déguerpissements sont-ils fréquents? Quelle en est la cause?—*R.* On peut dire que les demandes en déguerpissement sont peu fréquentes. Le fermier sachant qu'il doit partir après l'expiration du bail, ne se laisse pas faire de frais, et quant aux paiements de fermages, ils se font d'une manière assez régulière; les propriétaires ne se montrent pas en général trop exigeants pour le paiement précis à l'échéance.

Q. 17, 18, 19, et 20. Les améliorations, surtout en fait de bâtiment, sont-elles faites par le propriétaire ou par le locataire? Si elles sont faites par le locataire, sous quelle garantie? Quand il reprend possession, le propriétaire a-t-il droit aux améliorations faites par le locataire? Ou bien, la loi reconnaît-elle que le locataire a un droit quelconque? Si ce droit existe, comment est-il défini, établi, et exercé?—*R.* Quand la question des améliorations est prévue par le bail, il faut se conformer strictement aux stipulations de cet acte. Pour tout ce qui n'est pas prévue dans le bail on applique les règles suivantes:—

1. S'il est établi que les travaux faits par le fermier étaient nécessaires, indispensables, le propriétaire doit lui rembourser ce qu'il a dépensé. Par exemple, le fermier qui a reconstruit le toit d'une grange, même sans avertir le bailleur, peut réclamer le remboursement de ce qu'il a dépensé.

2. S'il est établi que les travaux faits par le fermier sont seulement utiles ou de pur agrément, il ne peut s'en faire rembourser par le propriétaire qui n'a pas donné ordre de les faire.

3. Dans le cas où le fermier ne peut exiger le remboursement de ses impenses, il a le droit d'enlever ce qui, dans les améliorations qu'il a faites, peut être enlevé, à la charge toutefois de rétablir et de laisser la chose dans son état primitif.

4. Si les améliorations faites par le fermier sont incorporées au fond, le propriétaire peut empêcher le fermier de les enlever et a le droit de les conserver en payant au fermier la valeur de ces travaux. Le fermier n'a pas le droit de retenir la ferme ou la terre après l'expiration du bail, jusqu'à ce que le propriétaire ait payé les améliorations qu'il est tenu de rembourser. Le fermier n'a du chef de ces améliorations qu'une créance ordinaire.

Q. 21. Exerce-t-il des occupations ou locations qui ressemblent aux copyholds, &c.?—*R.* Non, ce genre de propriété n'existe pas en Belgique.

No. 13.*

Mr. Lumley to the Earl of Clarendon.—(Received December 20.)

My Lord, *Brussels, December* 18, 1869.

I HAVE the honour to inclose a Report on the land tenure in Belgium, which has been been drawn up by Mr. Grattan, Her Majesty's Consul at Antwerp, in accordance with the instructions of your Lordship's despatch of August 26.

While Mr. Grattan's position at Antwerp has made him intimately acquainted with East and West Flanders, his information is equally accurate with regard to the other provinces of this Kingdom, and the comparision he has been enabled to draw between the condition of the peasantry of Ireland and of this country will be found to add greatly to the interest of this valuable Report.

I have, &c.

(Signed) J. SAVILE LUMLEY.

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* See Mr. Lumley's despatches of January 8 and 9, 1870, in Part II of Land Tenure Reports.

Inclosure in No. 13.

Consul Grattan to Mr. Lumley.

Sir, *Antwerp, December* 16, 1869.

HAVING given my careful attention to the Earl of Clarendon's Circular despatch and the annexed paper of queries relating to the tenure of land in Belgium, transmitted to me in your despatch of the 6th of September last, I have the honour to communicate to you herewith, in reply, the results of the information I have been able to collect in egard to this subject.

In order to obtain the data necessary to the accomplishment of the duty confided to me, I have applied to various persons acquainted with the law and possessing practical information on the subject of farming and the occupancy of land in Belgium, consulting also the published Reports of the Minister of the Interior, as well as other special works which treat of the state of agriculture in Belgium. The plan I have adopted in the hope of meeting as fully as possible the objects set forth in Lord Clarendon's Circular despatch, is that of replying in succession to the several queries contained in the paper which accompanied his Lordship's circular, adding thereto a few observations suggested by the general tenor of the despatch, and arising out of the subject under consideration.

Promising, therefore, that the population of Belgium in 1865 amounted to 4,984,351 souls, that the inhabitants profess almost exclusively the Roman Catholic religion, and that the chief industrial pursuits of the people consists of agriculture, manufactures, commerce, and mining, and following the order in which the questions succeed each other in the paper of queries, I reach the subject of—

Land Occupation.

The system of land occupation in Belgium consists of (A) proprietors, and (B) tenant under proprietors, and, to a limited extent, sub-tenants under intermediate tenants holding from proprietors. The total superficial measurement of Belgium according to the census of 1846 was 2,603,036 hectares.*

The lands under cultivation amounted to 1,793,153 hectares, of which quantity 613,570 hectares were cultivated by owners of the soil themselves, and 1,179,583 by tenants.

According to the census of 1856 the total superficial measurement was estimated to amount to 2,945,539 hectares; the lands under cultivation amounted to 1,830,516 hectares of which quantity 628,291 hectares were farmed by proprietors, and 1,202,224 by tenants. Thus about two thirds of the arable lands of Belgium are cultivated by tenants.

The system of underletting not being practised to any considerable extent in Belgium, the number of sub-tenants is not comprised in the official statistics.

(A.)—Small Proprietors.

1. The lands held by proprietors are thus classified in the Report published by the Minister of the Interior in 1850:—

Proprietors farming	50 ares and under	101,584
„	51 ares to 1 hectare	47,726
„	1 hectare to 5 hectares	122,593
„	5 „ to 10 „	33,001
„	10 „ to 15 „	13,290
„	15 „ to 20 „	6,501
„	20 „ to 25 „	3,715
„	25 „ to 50 „	6,388
„	50 „ to 100 „	2,134
„	100 and over	654
	Total	337,586

Thus at that period out of every 100 proprietors, forty-four farmed less than 1 hectare of land, thirty-six farmed from 1 to 5 hectares and nineteen over 5 hectares, and the proportion has probably not varied materially since that time. It is observed also, says the Minister in his elaborate Report, that it is in the poorer and more thinly inhabited districts that proprietors are the most apt to cultivate their own land, and, on the other hand, that the system of letting land to tenants appears to increase notably in the neigh-

* The hectare is equal to 2 acres 1 rood 35 perches.

bourhood of towns, so that in populous districts proprietors farming their own lands become comparatively rare.

In consequence of the extreme sub-division of landed property in Belgium, estates are frequently intersected by other properties.

This is considered a great evil, and at a meeting of the Conseil Supérieur d'Agriculture on the 18th of March, 1867, the subject was discussed at much length.

A Report was agreed to, strongly advocating the reduction of the charges on exchanges of real property ("frais de mutation") as the best means of meeting the difficulty by diminishing the expense of effecting transfers of this description.

According to this Report a law exists in Prussia and some other German States, which compels proprietors of scattered plots of land in any particular commune, when required by a sufficient number amongst themselves, to unite the whole land and submit it to redistribution according to the mutual interests of the parties. These operations, which appear to have been highly beneficial to the landed interests, are termed in Germany consolidations and are of ancient usage, numerous exchanges of this nature having occurred in the principality of Kempten, which now forms part of Bavaria, as far back as the seventeenth century. The members of the Council were generally of opinion that the dispersion of detached plots of land belonging to individuals was undoubtedly injurious to agriculture. It had been estimated that a field situated at a distance of from two to three miles from the farm-house yields no profits, the whole produce being absorbed by the expenses of cultivation and that consequently detached fields of this description ought to be converted into grass lands, or into woods. This subject has been fully treated by Ville Roy and Muller—"Des Réunions Territoriales en Allemagne"—and by H. de Lavellée, "De l'Echange des Immeubles Ruraux en Belgique."

2. The following are the leading principles which govern the descent and division of property, whether personal or real, in Belgium, on the death of the owner. The children of the defunct inherit his property in equal shares, the children of deceased sons or daughters representing their deceased parents. A husband and wife may, in case of their having no children, leave all their property to the survivor, except in case of the deceased leaving a father or mother, in which case one-quarter of the property reverts to each of the latter, though a life interest in these shares may be left to the surviving husband or wife; and should there be children or their descendants living, the married couple may bequeath to each other one-quarter of their property, and a life interest in one-quarter.

Should an unmarried person leave at his decease a father and mother as well as brothers and sisters living, the father and mother inherit together one-half, and the remaining relatives each an equal share of the residue. If there is neither father nor mother, all is divided between brothers and sisters; and if there are neither brothers nor sisters, one-half reverts to the father and one-half to the mother.

In case of there being one parent only and no brothers and sisters living, one-half to the surviving parent and the other half to the nearest relations of the deceased father or mother, in equal shares. All near relatives, such as father, mother, brothers, and sisters, being dead, the property reverts in equal shares to the nearest relatives of the parents of the deceased on both sides. The law allows to all persons the faculty of giving during their lifetime, or of bequeathing by will to any person, any portion of their property not exceeding one-half of their entire estate in case of their having or leaving at their decease but one legitimate child, one-third if they leave two children, and one-fourth if leaving three or more children.

Finally, persons leaving no relatives whatever, possess the full power of disposing of their property as they please.

3. Every sale, transfer, exchange, or division of landed property is effected by a deed drawn up by a notary. The registration ("enrégistrement") of such deeds or conveyances is compulsory, but merely in a fiscal sense, the omission to register entailing simply a fine, but in no way affecting the validity of the deed.

The law, however, requires all deeds relating to the sale or transfer of property to be entered into what are termed the "Régistres Hypothécaires," or register of mortgages, a different process altogether, for the purpose of protecting the interests of third parties ("tiers"), and in order that all charges upon real property should be duly recorded and accessible to persons interested.

The costs for sale and registration amount to	..	5·20	per cent on the value of the property.
And for entry upon the mortgage register	..	1·25	„ „
Amounting in all to	..	6 45	„ „

The costs for exchanges and transfers ("mutations") amount to about 3·30 per cent.

4 and 5. Loans may easily be obtained upon real estate by mortgages negotiated

through a notary, to the extent of about two-thirds of the value of lands and five-eighths of the value of houses.

Landed property in Belgium is very frequently mortgaged, and the rate of interest at which advances may be obtained upon mortgage depends very much upon the value of money at the time. During the war between Prussia and Austria in 1866, the rate of interest upon money advanced on mortgage reached 7 per cent. per annum; the present rate is about 4½ per cent. Loans are sought more frequently for the purpose of facilitating the purchase of land than with a view of making improvements upon properties.

There are two public companies, the "Caisse des Propriétaires" and the "Caisse Hypothécaire," established in Brussels, both of which lend money on mortgage.

The conditions upon which these companies make their advances is that of repayment by annual instalments, which embrace a portion of the capital, interest on the money advanced, and a commission; whereas loans obtained from private persons, through notaries, are usually contracted for a specific term of years, generally ten. The expenses attendant upon raising money by mortgage, including registration and notarial fees, amount to 3 per cent., paid by the borrower.

6. All mortgages are executed in the presence of a notary public, and are officially registered. A copy of the deed of mortgage, besides a "bordereau," or abstract of the same in duplicate, are then produced at the office of the Registrar of Mortgages, "Bureau des Hypothéques;" one copy of the abstract is retained in the office, and the other, with an indorsement specifying that the duplicate has been so retained, is returned to the parties interested, together with a copy of the deed.

The registration duty amounts to 1·30 per cent., and the charge for recording the mortgage 0·12½ per cent. The notary's fees amount altogether to about 8 per cent. upon the sale of a property of from 5,000 to 10,000 francs in value, to 7½ per cent. upon properties of between 10,000 and 30,000 francs in value, diminishing to a minimum of 7 per cent. upon sales of a larger amount.

7. The principal crops raised in Belgium are rye, wheat, oats, clover, barley, flax, buckwheat, hops, chicory, beetroot, potatoes, turnips. The rotation adopted varies according to localities, and depends much upon the nature of the soil and the habits of the population in the different agricultural districts into which the country may be divided. According to the classification adopted in official publications, Belgium is subdivided into six leading agricultural districts. M. E. de Laveleye, in his essay on the agriculture of Belgium, "L'Economie Rurale de la Belgique," distinguishes seven, but it may for the present purpose suffice to indicate the five principal subdivisions referred to in M. de Laveleye's work, viz., Flanders, the Campine, the Hesbaye, the Condroz, and the Ardenne. The first of these subdivisions, Flanders, embraces the two provinces of East and West Flanders, including what may be termed the coast region, which forms an important part of the provinces in question. The latter consists of immense alluvial plains, called "polders" or lands redeemed from the sea by means of dykes, and formed by deposits proceeding from the overflow of the sea and of the Scheldt, along the banks of which river, from Ghent to the sea, the polders extend. The fertility of this district is very remarkable, lands newly embanked producing, according to Van Aelbroeck, superb crops without manure for twenty-five years in succession, or more.

The rotation of crops most in use in the polders combines a period of ten years, and may be described about as follows:—

1st year, barley or rapeseed; 2nd, horse beans; 3rd, wheat; 4th, horse beans; 5th, wheat; 6th, clover; 7th, wheat; 8th, potatoes and carrots; 9th, oats; 10th, fallow-fields. A second crop of turnips is produced after barley. The farms in that region are comparatively large, varying from 20 to 50 hectares in extent. Farms rent from 115 to 125 francs the hectare, grass lands from 150 to 200 francs the hectare.

The remaining and more extensive portion of these two provinces consists of land of a very different description; it is light and sandy, somewhat analogous to the Landes of Gascony. Being poor in quality, it necessitates large quantities of manure, both natural and artificial, such as sewage, the mud derived from towns, which is carefully collected and sold, lime, guano, pulverized bones, and oilcake. This region exhibits all the peculiarities of Flemish husbandry, being characterized by variety of production, second crops, the employment of very active manures, and the extreme smallness of the farms. These do not exceed on the average 3½ hectares in West Flanders and 2½ hectares in East Flanders; a considerable number are even very much smaller in West Flanders, half of them not exceeding 50 acres or a little over 1 acre, a subdivision no doubt in a great degree to be accounted for by the intense competition for land which exists in this densely populated province. The ratio of population in East and West Flanders is about one inhabitant to

every acre of land. Rents in the two provinces average from 85 francs to 110 francs per hectare. Wages of farm labourers vary from 1 franc 15 centimes to 1 franc 30 centimes a day, and the price of land from 2,500 francs to 5,000 francs per hectare.

The following rotation of crops is frequently adopted in this district:—

1st year, potatoes; 2nd, wheat, followed by turnips; 3rd, flax with clover; 4th, clover; 5th, rice or barley, followed by carrots; 6th, oats and turnips; 7th, buckwheat.

The second agricultural subdivision, the Campine, comprises the greater part of the provinces of Antwerp and Limburg. It is a region of moor and heath, dotted at intervals with villages and cultivated fields, the soil being in general arid and sandy. Considerable efforts have been made of late years to improve this very barren and naturally unproductive district, roads and canals have been constructed, a system of irrigation and drainage has been introduced, and wealthy proprietors have purchased lands and done much to ameliorate their condition. There is one inhabitant to every $1\frac{1}{4}$ hectares, or hardly half the population of Flanders. The average extent of the farms is from 10 to 30 hectares, the price of arable land is about from 2,000 to 3,000 francs per hectare, and rents average from 60 to 75 francs per hectare. Wages are not actually higher than in Flanders, but the condition of the labourers is somewhat more favourable in consequence of the Lande Communale, or common pasturage grounds, which enable them to keep a goat or a cow. The employment of manures is even more necessary and also more carefully attended to in the Campine than it is in Flanders, but the rotation of crops differs materially from that adopted in Flanders, and is in general inferior. The following gives an idea of the system of rotation which prevails in this district:—

1st year, potatoes; 2nd, rye, followed by spurry; 3rd, rye; 4th, oats and clover; 5th, clover; 6th, rye and spurry or buckwheat.

The third subdivision, the Hesbaye, is formed of the provinces of Brabant and Hainault, and embraces the most fertile lands of Belgium. The soil consists of clay and sand mixed, and is eminently adapted to the production of wheat.

Until recently the system of triennial rotation of crops, allowing the land to lie fallow every third year, prevailed generally amongst the Walloon population of the Hesbaye, but this practice has been replaced by a succession of the most varied crops, among which wheat occupied a prominent place. The culture of beetroot is much attended to in these provinces. Arable lands are worth from 4,000 francs to 6,000 francs per hectare. Rentals average from 100 francs to 110 francs per hectare, and in some localities even reach from 125 francs to 150 francs per hectare. It is stated that the value of land in this region has nearly doubled in thirty years, an increase no doubt to be attributed to the extreme development attained by the industrial and mining interests of this district. Labourers' wages average about 2 francs per day,

The fourth leading subdivision, the Condroz, occupies a large portion of the provinces of Liege and Namur. This region contains the largest farms in Belgium, and is probably the most backward in respect of farming, skill, and industry. The principal crop consists neither of wheat nor of rye, but of spelt, a cereal which appears to be more hardy than wheat, and which produces a more palatable flour for domestic use than rye. In Flanders it is estimated that probably not one individual landlord in four, farms his own property, whereas in the district of Condroz the land is about equally divided between proprietors and tenants. The population is less dense than in most other parts of Belgium, the average number of inhabitants being in the proportion of one to every $2\frac{1}{2}$ hectares. The price of the hectare varies from 1,600 francs to 4,000 francs, and rents from 45 francs to 100 francs per hectare. The rotation of crops is generally triennial in this district, viz.:—

1st year, a cereal; 2nd, oats; 3rd, fallow-fields.

Artificial grass is seldom produced, and second crops are almost unknown. This system of rotation, the "assolement triennal," though as a rule condemned by the best authorities, is not without its advantages in districts such as the Condroz, where the hard and heavy character of the soil requires a great deal of labour to be expended upon ploughing. The fallows produce weeds or grass, which contribute to feed sheep or other cattle, thus furnishing manure for the use of the farm.

The fifth sub-division, the Ardenne, consists of the greater part of the province of Luxemburg. The climate is very rigorous, and the productive power of the land falls far below the average of the remainder of Belgium. After having produced three crops in succession, the land remains uncultivated for six or seven years, or even longer. Oats form the staple product of the district, the population does not exceed the rate of one inhabitant to every 3 hectares, and the price of arable land does not average over 1,000 francs per hectare, nor rents exceed 40 francs per hectare. The labouring population, however, enjoys great advantages, the necessaries of life being very cheap, while the rate of wages attains the average of 2 francs per day.

The principal farm implements employed in Belgium are light ploughs drawn by horses or oxen, harrows of ordinary construction, rollers, threshing machines, scarifiers, &c. The spade is much employed, especially in Flanders, Artificial manures are, as have been seen, very much used in the sandy districts of Flanders and the Campine, but less so on the more fertile soil of Brabant and Hainault.

But little cattle is raised for sale in Belgium. A few animals are bred in the Campine and rather more in the province of Luxemburg, but in the other provinces farmers only raise enough for the use of their farm, and frequently purchase cows in calf, three-fourths of which come from Holland. Cattle are sometimes fatted on pasture-land, but the greater part are fattened by the distillers, who generally import their oxen from Germany. Belgium does not furnish sufficient cattle for its own consumption, consequently, considerable quantities of fat cattle are imported from Holland and Germany : the former being preferred. Calves are separated from the mother from their birth ; seven-eights of the calves are fattened upon milk for a period of from ten to twelve weeks, and one-eighth is retained on the farm. On small properties cattle is in a great measure stall-fed, by which means a large quantity of manure is obtained and carefully preserved. The period of stabling is from November to May, but in some parts of Flanders and of the province of Antwerp the cattle are stall-fed during the whole year. In the polders, cattle is pastured in the meadows and in clover-fields during the day, always returning to the stable at night. But animals that are being fattened for the market are allowed to remain in the fields night and day. The number of horned cattle in Belgium in 1856 amounted to 1,257,649, being an increase of 53,758, or 4·46 per cent. upon the number officially returned in 1846.

The number of sheep at the same period was 583,485, or 79,023 (nearly 12 per cent.) less than in 1846.

The total amount of land under cultivation in Belgium in 1856 amounted to 1,830,515 hectares, of which quantity 1,518,018 were devoted to tillage, and 312,498 hectares were employed as grass lands. The following statement shows the extent of land devoted to each particular branch of agriculture :—

	Hectares.
Cereals	947,578
Vegetables	58,285
"Plantes industrielles" (hops, chicory, &c)	76,993
Roots and green crops	335,762
Grass lands	312,498
Fallow fields	64,418
Kitchen gardens	34,981
Total	1,830,515

Taking the whole of Belgium into consideration, 12·39 per cent. of all cultivated lands produce second crops, while in the provinces of Antwerp and East Flanders the estimate reaches from 20 to 48 per cent. of all arable lands.

The average production of wheat and rye per hectare is stated to be as follows :—

	Wheat.	Rye.
	Hectolitres.	Hectolitres.
In Antwerp	17·83	18·25
Brabant	16·45	16·64
West Flanders	20 14	21·23
East Flanders	20·10	21 64
Hainault	19·67	20·25
Liege	17·04	17 83
Limburg	17·15	15 39
Luxemburg	14·74	19·37
Namur	15·90	16 42
The whole Kingdom	18·41	18 68

Woods and forests, according to the census of 1846, occupied an extent of 485,666 hectares, and are thus sub-divided :—

	Hectares.
Woods belonging to the State	34,810
Woods belonging to communes (townships and parishes) and public establishments*.	133,894
Woods belonging to private individuals	317,162

It is difficult to appreciate the annual produce of woods and forests in Belgium, but the nearest estimate fixes it at about 2,034,940 stères,† and the revenue derived from them according to the land survey ("cadastre"), is probably 19 francs 33 centimes per hectare,

* Exclusive of woods of less extent than 5 hectares, and young plantations.

† The stère, or cubic mètre, is equal to 35·174 cubic feet English.

making in all, inclusive of the crop of mast, deadwood, game, &c., an annual revenue of 16,998,310 francs.

The management of woods and forests in Belgium is no longer, as in former times, under the control of a special Department, but forms a branch of the Administration de l'Enrégistrement et des Domaines, and as such is placed under the direction of the Minister of Finance. A Council, of which the Minister is the President, besides various inspectors, regulate all that concerns the supervision and care of the public woods and forests. The Régime Forestier is governed by a variety of laws and regulations, the basis of which, as far as the management is concerned, is the well-known old French Ordonnance of 1669, relative to the Eaux et Forêts, modified by the laws of 1790 and 1791, but the French system of "aménagement," under which the number of trees to be cut annually, was regulated by law, has never been applied to Belgium. According to the prevailing usage the State and Communal Authorities are advised in this respect by the local inspectors, who are not themselves subject to any fixed rule or principle, and private individuals are governed by whatever they consider to be most advantageous to their own interests. The preservation of woods and forests was in former times guarded by very severe and stringent regulations, but these were abolished as far as woods and plantations belonging to private individuals were concerned by the law of 15th and 20th September, 1791. An attempt was, however, made in the year 1803 to restrict the alienation or destruction of woods belonging to private persons, by a law which was to remain in vigour for twenty-five years, but the main principles of which were indefinitely prolonged by an Arrêté-Loi dated the 14th of March, 1814.

Notwithstanding this last-mentioned Arrêté-Loi, the Belgian Government has, it appears, acted upon the assumption that all legal restrictions applying to individual proprietors ceased at the expiration of the twenty-five years, stipulated under the law of 1803. Some legal authorities, however, do not share this opinion, and hold that isolated woods and plantations cannot be alienated or destroyed without the sanction of the Minister of Finance. (See Articles Bois, Aménagement, and Défrichement, in the work entitled "Répertoire de l'Administration et du Droit Administratif en Belgique," by MM. C. de Brouckère and F. Tielemans.)

8. With the exception of the steam-threshing machine, which is now extensively used, machinery is not much employed as a substitute for, or in aid of, manual labour in Belgium. As a rule, the use of steam ploughs, mowing and reaping machines, &c., entails too much expense, nor are they indeed suitable to small farms. Threshing machines are generally purchased by associations of farmers, who club together for the purpose, and after having been successively employed by each of the subscribers, are frequently let out on hire to others, whose means do not enable them to contribute to the purchase, or to obtain one themselves.

The average daily wages of agricultural labourers in Belgium, according to the Report published by the Minister of the Interior in 1862, were as follows:—

	Per Day.	
	Men.	Women.
	Fr. c.	Fr. c.
For labourers who live with their employers (farm servants) ..	0 78	0 45
For labourers who do not live with their employers (day labourers) .	1 36	0 86

These wages do not, however, represent the entire compensation received for their labour, extra pay being given for harvesting and for threshing, the latter often assuming the shape of an allowance in kind at a much higher rate of remuneration than the ordinary daily wages. According to a statistical return to be found in the Minister's Report above cited, there were 15·04 agricultural labourers to every 100 male inhabitants in the rural districts; and as regards women, the proportion was 7·03 to every 100 inhabitants of the female sex. The number of farm servants employed in Belgium, according to the census of 1846, was as follows:—107,303 men, and 69,723 women, being in the proportion of about 155 men to 100 women.

9. There is but little if any emigration amongst the agricultural labourers of Belgium.

10. Properties being generally very much subdivided, it frequently happens that the owners of land do not live on their own properties, but inhabit towns or villages adjacent thereto. In some parts of the country, especially in Flanders, small proprietors are not generally in the habit of farming their own land, and as it is considered more profitable to suppress the expenses attendant upon keeping buildings in repair, it is becoming very much the custom to remove the farmhouses existing on small properties. This practice, however,

only prevails in the neighbourhood of towns or villages. In the polders but few properties have farm houses erected upon them, and the proprietor or tenant farmer inhabits some neighbouring village or hamlet.

11. Small proprietors, who farm their own land, occupy in general well-constructed houses, and are comfortably clad. The food of the majority of this class of persons, as well as that of tenant-farmers, is, however, exceedingly plain, consisting chiefly of bread made from wheat, rye, or spelt according to the locality, buttermilk and potatoes. The only animal food they employ, as a rule, in the Flemish provinces, is bacon; but the inhabitants of the Walloon provinces consume a greater proportion of meat. Beer is rarely drunk, the principal beverage being coffee mixed with chicory.

12. The urban population, according to the last census, amounted to 1,323,090; the rural, to 3,661,261 souls; the latter being in the proportion of 2·76 to 1, as compared with the former. The total superficial measurement of lands in Belgium, according to the census of 1846, being 2,603,036 hectares, and the number of proprietors amounting to 33,586, it follows that the average population of proprietors was at that time 1 to about 8 hectares, or 18 acres, but this estimate includes all lands, whether cultivated or uncultivated.

13. Opinions differ as regards the effect of the extreme subdivision of land viewed in reference to agriculture, but, practically, the state of the law and the usages resulting from it seem to be generally acquiesced in and approved of.

(B.)—Tenants and Sub-Tenants under Landlords.

Tenure.

1. The number of tenants in Belgium, according to the Report published by the Minister of the Interior in 1850, was 234,964, of which number 145,967, or about 60 per cent., held land not exceeding half an hectare, or about $1\frac{1}{8}$ acre in extent; 66,027 persons, about 30 per cent., held from 1 to 5 hectares, or $2\frac{1}{4}$ to $12\frac{1}{2}$ acres; and those holding over 5 hectares amounted to 22,970, or about 10 per cent.

2. Farms are generally held upon lease, but not invariably so. The usage regarding leases varies in the different provinces or districts, but the use of long leases does not appear to extend to Belgium. In some parts of the country, including the Province of Antwerp, I am informed that the practice of letting farms without leases, or tenancy-at-will, is, if anything, on the increase. This system is preferred by most landlords, who, in consequence of the great competition for farms in thickly populated districts, find no difficulty in procuring tenants on these terms. As a rule, however, three years' leases are most commonly granted. Some proprietors do not give leases, simply because the tenants, having full confidence in their landlords, do not require a written covenant.

The agricultural class in the Flemish provinces have, moreover, a great dislike to sign any document; but did they require it, leases would of course be granted. There is a great distinction to be made between estates held by the noblesse, in the occupancy of which tenants have succeeded each other from father to son for perhaps a century, and lands recently purchased by persons in trade, or who have otherwise acquired wealth, and between whom and their tenants relations of equal intimacy cannot be expected to exist. In the latter case, leases are generally given, and the highest amount of rent exacted, whereas in the former an amicable understanding usually prevails between landlord and tenant, the tenant almost invariably meeting with liberal treatment at the hands of the proprietor.

According to law (Code Civil, Article 1717) a tenant has a right to underlet or assign his lease to a subtenant unless the contrary is specified in the lease, a restriction, however, almost invariably stipulated by the landlord. It therefore rarely occurs that land is underlet in the sense implied by the French word "souslouer," that of yielding or assigning a lease to another person; but the practice of letting small patches of land to farm labourers, with the tacit consent of the proprietor, is very common. In some parts of the country it would be almost impossible to procure labourers unless on the condition of allowing them a small piece of land to cultivate for their own use and that of their families. As these labourers are often, it appears, bad paymasters, a high rent is usually expected from them in order to cover the risk of loss. It does not appear to be usual in Belgium to grant allotments to labourers free of rent.

3. Tenancy may be created either by parol or written agreement (Code Civil, Article 1714). Tenants holding lands without a written agreement are supposed by law to possess a claim to occupancy until the land has yielded its full natural produce. Thus the

occupant of a field or an orchard, which produces its crop within the twelvemonth, is entitled to hold the same for the space of one year; but the holder of arable lands, subject to a succession of crops ("soles ou saisons") is not liable to be disturbed until the full rotation of crops, according to the custom of the country, has been produced (Code Civil, Article 1774).

It must be observed that the practical operation of this law being made to depend upon the custom of the country, renders it liable to be variously interpreted. Thus it seems that in those localities where the old system of rotation, terminating after a certain number of years by a year of fallow-fields ("jachères") has been abandoned, the law is considered by some as being inoperative. But it may be said that a landlord evicting a tenant against the provisions of this law, incurs as a rule the risk of a lawsuit. In reality, however, tenants are rarely molested or evicted from their holdings, except on account of non-payment of rent. All unwritten agreements cease to possess any binding force at the expiration of the periods specified in the foregoing Article.

4. A written agreement may be registered, but registration in Belgium ("l'enrégistrement") is purely fiscal in its character, and confers no legal validity on a document. In case of a written contract it has, however, the effect of establishing its date, or what is called in law a "date certaine."

5. No law or custom exists in Belgium whereunder a tenant is considered as having a right to remain in occupation of his holding as long as he pays a stipulated rent, or a rent to be determined from time to time by a legal tribunal, or by agreement subject to arbitration. At the expiration of a written lease, the tenant loses all right to hold the land, even without receiving formal notice to quit; nevertheless, should he remain and be left in undisturbed possession by the proprietor, he acquires *ipso facto* by law the rights of a tenant holding without a written agreement, as specified in answer to question 3 (Code Civil, Article 1776). See also "Dalloz Jurisprudence du 19éme Siècle," vol. xix.)

6. A tenant may sublet, as before stated, or sell his interest in his farm, unless prohibited from so doing by a stipulation to that effect in his lease.

Rent.

1. Rent is always chiefly paid in money, though some leases stipulate certain additional payments in kind, such as butter, lard, ham, pigs, eggs, poultry, straw, hay, &c. This practice is, however, gradually falling into disuse, and the payment of rent is generally paid in cash, the landlord purchasing from his own tenant whatever produce he may be in need of.

2. Most questions connected with the occupation of land are regulated by the Code Civil. The law requires that the amount of rent payable should always be stipulated in the covenant between the parties, otherwise the lease loses its validity. Properties are valued by the Government Land Surveyors ("Inspecteurs du Cadastre"); and the amount of rent demanded depends no doubt generally upon the estimated value of the land, and the extent of its productiveness.

Lands belonging to charitable institutions, on account of public interests being concerned, are habitually let to the highest bidder; but this is the only case in which rent is strictly speaking governed by competition. In another sense, competition no doubt exerts an influence upon rents, inasmuch as in densely-peopled districts where a great demand for land exiss, rents are apt to rise in proportion. The periods at which rents are payable differ considerably according to localities. In the province of Antwerp leases generally commence either on the 15th of March, the 1st of October, or the 25th of December, and the rent is payable annually. There exists no custom in Belgium which corresponds with what is termed in Ireland a running or hanging gale.

3. As long as the lease lasts the proprietor is bound to adhere to its conditions, and the rent remains the same. If the tenant does not pay his rent, or otherwise fails to fulfil his engagements, the landlord has in some cases the right to terminate the lease, which confers upon him the power of raising the rent if he thinks proper to do so. In other cases he may commence an action against the tenant in order to compel the latter to comply with certain obligations, the non-fulfilment of which does not annul the contract.

4. The respective rights of proprietors and tenants for the recovery of rents and other claims are regulated by the Code Civil, the "Loi sur le Régime Hyphthécaire," and the "Code de Procédure Civile." In case of failure on either side the other party has his remedy by an action of law. The law confers some exceptional privileges upon the landlord over other creditors. In case of non-payment of rent the landlord may, in preference to any other creditor, seize the produce of the crops for the year, as well as the furniture and farming utensils belonging to the tenant to the extent of three years back rent, and

even on account of rent which has not yet fallen due. In the case last mentioned, the other creditors have the right of re-letting the house or farm for the remainder of the lease, and to make their profit out of leases or rents, on condition, however, of paying to the proprietor any balance still due to him. The proprietor possesses further the right of seizing the furniture belonging to the house or farm if they have been removed without his consent. He may also arrest the proceeds of the crop or the farming implements of the tenant, in order to cover any advances he may have made him for seeds, or otherwise, on account of the crop, or for the purchase of the utensils.

Evictions.

1. The legal means of procedure by which a landlord evicts a tenant for non-payment of rent or other cause, depends upon the nature of the lease. If the latter is what is termed a "bail authentique," or a lease executed in the presence of a notary, the process is summary, the proprietor simply sending a bailiff to ascertain that the tenant is in default, to inform him that the proprietor intends to cancel the lease, and to give him notice to quit the premises. If he refuses, he may be forcibly ejected. In case the lease is signed privately by the parties ("sous seing privé"), without the intervention of a notary, the eviction of the tenant must be preceded by a judgment from a competent Tribunal. The tenant may appeal, and be allowed a certain time to redeem, according to the circumstances of the case. Where there is no lease it is usual to give six months' notice, and the evicton must also be preceded by a judgment.

2. Evictions, generally on the grounds of non-payment of rent, are by no means infrequent.

Improvements.

1, 2, 3, 4. The general conditions of the Belgian law in relation to this matter are the following:—

The landlord is bound by the nature of his contract, and without the necessity of any special stipulation to that effect, to keep the property he has let in a state fit to be employed for the purpose for which it was hired. The property must be handed over in a good state of repair in all respects, besides which the landlord must do all the repairs that may become necessary to keep the property or buildings in a habitable state, excepting those which specially concern the tenant. The latter consist of minor repairs which, if there is no stipulation to the contrary, are governed by local usage, and are chiefly the following:—keeping fire-places, doors, locks, window-frames, mantel-pieces, &c., in repair, painting and plastering walls to the height of 1 mètre, repairing or restoring pavements, if there are but a few broken, and window-panes, unless destroyed by hail or other extraordinary accident, cleansing wells, cisterns, and water-closets, unless there should be a clause to the contrary; but the tenant is not bound to repair any damage resulting from ordinary wear and tear, age, or other unavoidable circumstances. If the landlord refuses to execute the repairs which fall to his charge, the tenant may enter an action against him, and if the property has become untenable, he may cancel the lease, and sue for damages.

As regards buildings connected with farms, they are generally, but not always, erected by the landlord.

In respect of improvements executed by the tenant without the previous consent of the landlord, should they not be strictly necessary, or such as appertain by law to the landlord or to the tenant himself, consisting, for example, of new buildings or plantations, the proprietor has the option at the expiration of the lease either of requiring the tenant to remove the same and restore the property to its original condition, at his own expense, and without any compensation, and even to force the tenant to pay damages for any injury which may have accrued to the property by reason thereof (Civil Code, Article 555), or he may retain the improvements. In the latter case the tenant is entitled to an indemnity, but only to the extent of the cost, and not the actual value of the improvements of whatever nature they may be. If the landlord's consent has been previously obtained, the tenant may claim to be reimbursed the cost of any buildings he may have erected. For what are termed ordinary improvements, such as placing grates, closets, shelves, or anything attached to walls, or in the nature of fixtures, the tenant is not entitled to compensation. On properties where no farm-houses or buildings exist, such, for example, as grass lands about to be converted into arable lands, on which it may be considered desirable to erect a house or other buildings, the latter are not infrequently executed by the tenant on the condition of his receiving compensation for the same at the expiration of the lease either from the proprietor or the incoming tenant. In such cases

it is a principle of law that the indemnity to be granted to the tenant is based not on the actual value of the buildings in connection with the remainder of the property, but upon the cost of construction and the state and condition of the buildings at the termination of the lease. In case of improvements effected by tenants holding long building leases, such as those termed "contrats d'emphytéose ou de superficie," which constitute what is known in England as "leasehold property," all improvements and repairs, including the construction or reconstruction of buildings, must, of course, be executed by the leaseholder and not by the owner of the land. According to custom, which, however, varies in each province, tenants on giving up their farms are entitled to certain proportions of the crops already sown and other advantages from the incoming farmer. This, what is termed in the Flemish language "Pachtersregt" (tenant-right) or "Derdevoor," and is a matter to which considerable importance is attached. In principle the "Pachtersregt" appears to be to a certain extent based upon law (Code Civil, Article 1777), but in its practice and details it is entirely governed by custom.

The following outline gives an idea of the leading usages with reference to the rights of outgoing tenants which prevail in different parts of the country. In the Province of Antwerp the outgoing farmer is allowed to remain in the enjoyment of two-thirds of all arable lands until the harvest season, without paying any rent for the same. In some localities the crops, as well as the manure expended upon the land, are valued by experts, and the old tenant receives from his successor compensation for his outlay and labour. In Brabant the custom varies according to the nature of the leases. In some localities the farmers have no right to any indemnity for the improvements they have introduced, in others they are entitled to receive the value of the manures, seeds, and price of tillage. In some cases the outgoing tenant is entitled to half the crop, provided the soil has been duly manured, ploughed, and sown during the last year of his occupancy.

In West Flanders the outgoing tenant generally receives an indemnity for the straw and manures left by him on the farm. In East Flanders the rights of tenants are established by a Regulation dated 17th October, 1671, which being, however, founded upon very ancient customs is not in all cases conformable to the laws of property existing in the present day, nor with the actual situation of agriculture in the province, and often gives rise to contestation and difficulty. The outgoing tenant generally receives the value of all seeds sown on the farm. He is entitled, according to valuation, to the coppice or underwood inclosing fields, and frequently to an indemnity for all seeds, manure, and for the tillage of the land. In the Province of Hainault, as a rule, the outgoing tenant receives from his successor the value of the straw on the farm and the manures employed on the soil, but allows the new tenant to sow clover in a portion of his crop. In the Province of Liege, where the leases generally commence from the 15th of March to the 15th of May, the outgoing tenant is generally entitled to the winter crops. In the Pays de Herve, however exceptionally, the tenant receives as a rule no indemnity for his improvements of whatever description they may be. In Limburg the outgoing tenant is entitled to the benefit of all hard grain sown, which generally amounts to two-thirds of the crop. In Luxemburg he receives the value of the seeds of all green crops. In the Canton Wellin the outgoing tenant enjoys special advantages. He is entitled to the crops, and also to the use of the cattle and of all the farm implements, the result of which is that the new tenant is compelled to wait for a year, or even eighteen months, before entering into the enjoyment of any produce or revenue, with the exception of hay and the yield of grass lands. Lastly, in the Province of Namur the crop of cereals belongs to the outgoing tenant, and in some districts the new tenant is bound to cut the crops for him, and to leave the lofts of the farm-house at his disposal during the space of a year. In others the outgoing tenant is entitled to the value of all seeds sown.

According to the Report published by the Minister of the Interior in the year 1862, the Belgian Government was desirous of regulating and reforming in some degree these various and complicated usages, but owing to the difficulties inherent to the question, the idea appears to have been abandoned. Subsoil-drainage, which requires a considerable outlay of money, is generally undertaken by the landlord, the tenant paying a fixed charge of 5 or 6 per cent. in addition to his rent, upon the capital expended.

As far as general improvements of a public character is concerned, extensive works of irrigation have been carried out by the Government, and a considerable extent of unproductive communal lands have been sold and cleared of late years, in virtue of the law of the 25th of March, 1847.

5. There exists at Brussels a bank for the encouragement of agriculture ("Banque Générale pour favoriser l'Agriculture et les Travaux Publics"), but this establishment is not in the habit of making advances to tenants for the improvements of their holdings. The latter generally obtain loans or advances, when needed, through notaries or other private

persons in their own localities, and the Government does not in any way intervene in the matter.

Miscellaneous.

1. The relation between landlord and tenant are in general friendly, although the general increase in the value of land, and consequent gradual rise in the rents, tends to create a certain amount of discontent amongst the tenant-farmers. The relative rights and duties of landlord and tenant are regulated by the Civil Code, but no special legislative interference appears to be required for the better protection of tenants.

2. The mode of cultivation adopted by small proprietors and tenants are substantially the same, nor does any very appreciable difference appear to exist between the two classes in respect of intelligence, character, or position generally. It may, however, be assumed that the small proprietor, being the owner of the soil, and having no rent to pay (admitting his property to be free from incumbrances) will be to that extent better off than the tenant-farmer.

3. The statistical returns published by the Government do not establish the comparative increase in the population of the two classes.

4. Emigration amongst this class is almost unknown.

5. Public opinion has apparently very little to say to these matters, and the people seem in general to be satisfied with the existing state of things.

6, 7, and 8. The creation of freeholds or tenancies by proprietors, and the granting of leases, have never been enforced by the Belgian Legislature.

9. No steps of this nature appear to have been at any time taken by the Belgian Government.

10. No person being liable to be dispossessed of his property, except on the ground of public utility, tenants can only become proprietors of land as opportunities of sale arise, and in proportion to the capital they may have been able to save or realize, or by profiting by such facilities as may be offered by the Banking institutions previously alluded to, the power of obtaining loans on mortgage tending, no doubt, materially to facilitate the acquisition of real property. The desire of possessing land, whether favourable or not to the general interests, is a marked characteristic of the agricultural classes in Belgium, and by the exercise of extreme frugality and thrift, tenants are frequently enabled to become proprietors. Upon this point the Minister of the Interior (Report of 1850) remarks as follows:—"It is worthy of observation," he says, "that in general those provinces in which the cultivators of the soil exhibit the greatest tendency to become proprietors are also those in which agriculture is the least advanced and makes the slowest progress. Without wishing to attach an exaggerated degree of importance to this coincidence, it seems as though one might be entitled to conclude from it that the too easy access to property is not favourable to the development of production, a matter easily to be understood if one reflects that in devoting too large a proportion of their profits to the acquisition of land, farmers are prevented from applying them to the improvement of the soil which they already cultivate. There is no doubt that this tendency is one of the greatest obstacles to improvement in certain parts of our country, and that those of our provinces where, all else being equal, the appropriation of land on the part of the cultivators is of the slowest growth, are also those in which the cultivation of the soil has attained the highest degree of development and perfection."

11. The law of succession tends necessarily to favour the subdivision of landed property in Belgium, and the dispersion of land is also increased by the system which generally prevails at public sales, of dividing real estate into small parcels or lots, a custom which materially interferee with persons inclined to purchase an entire property, but raises the price of land by encouraging competition.

Copyhold.

There are no tenures in Belgium resembling the copyholds of England, in which rent or services have become, or are becoming, fixed by custom, and the tenant irremoveable.

Having endeavoured in the foregoing replies to answer, to the best of my ability, the various questions embraced in the paper of queries which accompanied Lord Clarendon's despatch, I should be glad to be able to illustrate more in detail certain points affecting the tenure of land in this country which may not have been fully examined in the preceding pages.

It may be remarked, that Belgium is essentially a country of small farming, the law

of succession combined with other causes having tended, and continuing to contribute, to the scheme of dispersion and subdivision of land, and it is from this point of view that the whole system of land occupation and husbandry in this country should be examined. The number of persons holding lands being very considerable relatively to the population at large, it necessarily follows that the properties occupied by them are generally small, so small indeed that, according to official returns, the number of farms over 50 hectares, or about 125 acres in extent, are only in the proportion of 75 to every 10,000.

The Belgian land system thus differs widely from that which prevails in most other countries of Europe, although resembling, as regards the smallness of the holdings, but probably in few other respects, the state of things which prevails in some parts of Ireland. The difference between the Belgian and Irish cultivator is, however, as will be seen, very considerable, the former being, in the first place, very frequently the owner of the land he farms, and the system of husbandry pursued in the two countries, differing very materially from each other both as regards theory and practice. The comparative merits and disadvantages of cultivating small holdings and of farming on a large scale, forms a question which admits of controversy, although, in reality, it has been to a certain extent prejudged. The balance of opinion in the prosent day in most European countries, in view of the great changes introduced into agriculture by modern science and skill, is in all probability favourable to culture on a large scale. Yet the example of Belgium gives rise to much matter for reflection, and shows that a dogmatical decision on this point ought not to be too hastily arrived at. If, as is the case in England, farming operations are carried out in a spirit of enterprise, with the expectation of turning capital to a profitable account, there is no doubt that the extent of the farms ought to correspond with the resources and means intended to be applied to their cultivation. But if, on the other hand, as in most parts of Belgium, farming is carried on upon traditional principles, as it were, according to routine, and with restricted means, the very extent of a farm is a bar to the application of a sufficient amount of capital to render it productive. These questions have been examined at considerable length in most of the works which treat of agriculture in Belgium, and M. de Laveleye, one of the latest writers on this subject, whose interesting "Essay on Belgian Agriculture" has been previously alluded to, very frequently compares the two systems, and often in terms favourable to the principle of small farming as practised in this country. He says, with reference to the Condroz, the district of Belgium in which, as before stated, large holdings are the most numerous: "It is thus that, according to the diversity of ideas and habits, farming upon a large scale ("la grande culture"), which in some countries favours agricultural progress, tends in others to retard it. Whenever in the Condroz a farm is divided, the land becomes at once better cultivated, and the number of cattle on the farm increased. The small land-owners, who cultivate properties varying from two to three hectares in extent, never allow their land to lie fallow, their crops are more varied and better regulated, the yield is much more abundant. They produce beet-roots, rapeseed, and turnips; their spelt and oats attain a greater height and produce more grain. Thus, in the actual condition of habits and ideas amongst the rural population, the prevalence of large farms is one of the causes of the inferiority of culture in the Condroz."

In speaking of Flanders, M. de Laveleye expresses an opinion equally favourable to small holdings. He says, with reference to the farms in the Pays de Waes:—"If the cultivators of land understand the proper methods of fertilizing the soil, the subdivision of land, far from diminishing its productive power, will tend considerably to increase it. If they are ignorant of these methods, they will not succeed better, or as well perhaps, on large farms. It does not follow from this, that the subdivision of land is to be held up as an ideal to modern society, for it entails upon man an increase of labour hardly compatible with the development of his intellectual faculties; but in view of the state of things existing in Flanders, it may be asserted, that up to this day it has produced none but advantageous results, at least as far as production and rent are concerned." Another writer, Van Aelbroeck, who, in his valuable work on farming in Flanders, has entered into a very close examination of the system of small holdings, inclined unmistakeably to the same opinion as that expressed by M. de Laveleye. He says, in allusion to the small farmers in those provinces:—"Many of them carry on at the same time the business of weavers, and are considered as amongst the most profitable citizens of the State, seeing that they produce the largest population, encourage trade and commerce, and are the best farmers. They say in Germany, 'Arme boer arme landbouw' (a poor peasant leads to poor husbandry); but in Flanders they say, 'Arme boer met groot gebruik slechte landbouw' (a poor peasant on a large farm leads to bad husbandry). The size of the farm," he says, "must not exceed the means and knowledge of the cultivator; and in this consists the theory and practice of the small Flemish farmers."

The whole argument is in favour of small proprietorship; and he makes the following practical remarks, for the purpose of illustrating the value of this principle. "If," he says, "a small cultivator possesses a bad piece of land, he will endeavour to improve it by constantly digging and turning up the soil; he will even labour for years to overcome its defective qualities, and render it productive; whereas land of a similar quality in the hands of a large proprietor is in general neglected, and will remain uncultivated." After remarking that the more land is subdivided, the more populous it becomes, he says, "If it is true that the land which is the most densely peopled, is the most valuable to the State, it certainly also follows that the small cultivators are the most profitable to both the State and the land." "So convinced are people in Flanders," he further says, of the advantages of small holdings, that large farms are frequently divided and converted into small ones. A part, or all the buildings are removed, and the lands are let to various small agriculturists, who may be inclined to increase their farms. This occurs chiefly in thickly-populated districts. The landlord incurs less outlay for the repair of buildings, and obtains a higher rent for his land." Another practical advantage of the system of small holdings, which results from the extreme subdivision of land in this country, is the facility it affords to a large number of persons, artisans, small traders, and others to purchase or occupy land in the vicinity of towns or villages, by which means they are enabled to produce potatoes and other vegetables for domestic use, and to the great benefit of themselves and their families. The possession of a patch of land, however small, not only contributes to their comfort, but creates a feeling of pride and independence, which reacts favourably upon the character and conduct of the possessor.

Under this system of small proprietorship, as well as of small holdings generally, it is observed by persons who have practically studied the question, that the effect produced upon the land itself, is the following:—

1. It is better manured. Nothing capable of being turned into compost is wasted.

2. It is kept cleaner. The artisan devotes all his leisure time to the cultivation of his small holding; and all spare hours of labour are utilized by the whole family, his wife and children assisting him in weeding, and the lighter occupations connected with the land.

3. It is more productive. When half of one crop is gathered, the other half is already planted or sown. Beet-roots, for example, are often planted between rows of potatoes, the latter being removed by hand as often as they are wanted. Land containing 90 per cent. of silica, it is asserted, may, under this system, be made to produce potatoes, and even rye and other crops, by the continuous application of manures, in a couple of seasons.

It must be said, however, that many agricultors in this country do not approve of the extreme subdivision of land which exists in Belgium, and would prefer to see greater extension given to the system of large holdings, combined with the various appliances of modern scientific culture, which as yet are comparatively but little employed in this country. Cheapness of production, they say, can only be attained by the application of such means, sustained by large capital, or in other words, by the introduction generally of what is termed intensive culture. Such a system is, however, of slow growth, and would necessitate very considerable changes in the conditions under which landed property is at present held in this country. Viewing matters, however, as they now exist, a very competent authority states it as his opinion, that in order to cultivate land on the most approved modern principles, farms ought in no case to fall below a minimum of 20 hectares, or about 45 acres, a limit which is of course exceeded by a considerable number of farms in this country. But, upon inquiring from the same person, whether the system of farming upon a very small scale was prejudicial to public interests, or to the land itself, the reply was, that such was not the case. That small holdings could be made very profitable to their owners, and that the number and variety of crops which are produced from the land under this system, could not be said to be injurious to the soil, provided the latter were sufficiently manured, and in other respects judiciously managed. It would be erroneous, however, no doubt, to suppose, that a system of husbandry, such as that which has just been described as existing in Belgium, could be applied with advantage in all other countries indiscriminately; for in order to meet with success, it must have been developed naturally by the force of circumstances and events, and be, moreover, in harmony with the customs and institutions of the inhabitants, and adapted to the climate and general capabilities of the soil.

The Belgian rural population, especially in the Flemish provinces, appear to combine the leading qualifications requisite to success in the cultivation of small properties. They are steady, sober, and persevering, prudent, and economical in their habits, and are possessed of all necessary experience in whatever relates to the management of land.

They are, moreover, extremely attached to the soil on which they were born and brought up, and are especially devoted to agricultural life; and it is these qualities which have enabled them to attain great success, and a considerable degree of prosperity as small cultivators, in spite of natural disadvantages in respect of soil, except in specially-favoured localities, which it has required the continuous industry of many generations to overcome. Other populations might not be qualified to encounter similar obstacles with equal success.

In order further to elucidate the position of the Flemish cultivators or tenant-farmers, it may be stated that they possess in general the great advantage of entering upon their farms with a fair amount of capital. Hence it follows that they generally own a sufficient number of cattle to produce the requisite amount of manure for the use of the farm, besides most carefully and sedulously collecting and employing all the fertilizing substances which can be applied to the soil for the purpose of sustaining and increasing its productive power. Lastly, the Flemish farmer cultivates his land, as a rule, in an intelligent manner, adopting a rational and advantageous rotation of crops. The condition of the small Irish cultivators offers in many respects, it is to be regretted, a contrast to the foregoing picture. Rarely possessing a sufficient command of money on taking possession of their holdings to commence cultivating them advantageously, and being moreover often ignorant of the methods of culture which are so universally understood and practised in this country, a train of evils follow which render the position of the occupiers of the land one of constant discomfort and difficulty, and underlie a great part of the misery and distress which press so heavily upon the agricultural classes in many parts of Ireland.

The position of the agricultural labourer in Belgium, judging from the average rate of wages paid throughout the country, as stated in my reply to question 8 (Section A), does not appear a favourable one, but it must be remembered that the number of persons so employed is relatively limited in this country, in consequence of the considerable number of small proprietors who farm their own land, and whose families, besides those of the tenant-farmers, are generally employed in agricultural pursuits. In certain localities, taking as an example the Province of East Flanders, where an excess of population brings with it increased rent and diminished wages, the remedy would seem to be in emigration, yet strong local attachments added perhaps in some degree to jealousy of race appear to prevent the Flemish peasant from removing even as far as the neighbouring Walloon Province of Hainault, where the want of agricultural labourers forms a source of complaint, and is looked upon as a serious inconvenience.

It has already been stated that the use of long leases is by no means general in Belgium, neither is there a positive law securing to tenants compensation for their improvements at the termination of their lease.

According to the custom of the country, however, as has been seen, tenants are allowed certain advantages upon quitting their farms which constitute to limited extent an indemnity for the outlay expended by them as respects seeds, manures and tillage. The amount of compensation, however, to which they thus become entitled, is not only very variable in its character, but does not make up for the absence of a lease sufficiently long to enable an enterprising tenant to realize a fair profit upon the improvements he may have effected. It is true that buildings are generally executed by the landlord, the relations between the proprietor and his tenant very much resembling in some respects that which exists under the métayer system of Lombardy, the landlord paying the taxes and repairing the buildings, and the tenant providing cattle, implements, and seeds. But such improvements as drainage, irrigation, marling and subsoiling, will not repay a tenant unless he is secured by a long lease, besides a legal claim to compensation for his improvements upon quitting his farm. This question was examined at considerable length at several meetings of the Conseil Supérieur d'Agriculture in the year 1867, during the discussions which arose with reference to lands belonging to charitable and other public institutions, which are by law assimilated to those held by minors, and thus cannot be leased for a period exceeding nine years.* A very general desire was manifested to obtain such a modification of the law on this question as would enable lands of this description to be leased for terms of from twelve to fifteen years, a relaxation which has since, in fact, been practically accorded by the "Deputations permanentes", though the law remains unchanged; and independently of the special object in view, opinions highly favourable to long leases and fixed indemnities to tenants were expressed at these meetings, as well as by some of the local agricultural commissions.

I am inclined, however, to doubt whether the landed proprietors of Belgium are in general disposed to favour the adoption of these ideas, although in the uncleared portions

* See "Code Civil," Article 1712, and Arrêtés of 19th July, 1816, and 15th July, 1829.

of the Campine and the Ardenne, for example, where, in order to develop the capabilit ie of the soil, irrigation, drainage, and other artificial improvements involving a considerable outlay of capital are indispensable, it would seem beyond doubt desirable, in the interest of agriculture as well as in that of proprietors themselves, to adopt the practice of granting long leases as well as a liberal compensation to the tenant for the improvements he may have introduced upon his holding during the period of his occupancy.

I have, &c.
(Signed) G. A. GRATTAN.

No. 14.

Mr. Lumley to the Earl of Clarendon.—(Received February 21.)

My Lord, *Brussels, February 20, 1870.*

WITH reference to my despatch of the 12th instant, I have the honour to inclose the reply of Mr. Consul Grattan to my inquiries why the contract to which he refers in his Report which I forwarded to your Lordship in my despatch No. 32 of the 20th instant, the object of which is to regulate the loan or hire of cattle, or of any animals employed in agriculture or commerce, is so little used in Belgium.

I have, &c.
(Signed) J. SAVILE LUMLEY.

Inclosure in No. 14.

Consul Grattan to Mr. Lumley.

Sir, *Antwerp, February 18, 1870.*

IN reply to the despatch which you did me the honour to address to me on the 12th instant with reference to my recent Report on the loan of cattle, I beg leave to state that, as far as I am able to form an opinion upon the subject, one of the principal reasons why the customs to which I referred are not employed in Belgium is, that they do not appear to be practically very much required. Horned cattle being abundant and not very dear in this country, the Belgian cultivators are generally enabled to supply the cattle wanted for the use of their farms. Should they be in need of an advance of funds on entering upon their holdings, they are usually able to procure a loan through notaries or others, and in some cases, I understand, advances of this description are made by the landlords.

Another reason which may be assigned for the non-employment of the *bail à cheptel*, is that the contract in question, though incorporated in the Code Civil and forming part of the Belgian Law, does not seem to be very much known or understood.

It would appear, however, that during the Middle Ages a custom which bore more or less analogy to it existed in Belgium. I infer at least as much from the following passage in M. Emile de Laveleye's work on Belgian agriculture. Alluding to the landed property held by the church in the Campine during the eleventh and twelfth centuries, he says :—

"De puissantes abbayes établies dans la contrée étendirent de proche en proche les défrichements autour d'elles. Celles d'Averbode, de Postel, de Tongerloo, les prieurés de Korssendouck, de Troon, et d'Achel employèrent sans relâche une partie de leurs revenus à mettre en culture des terres vagues et à planter des forêts, dont plusieurs existent encore. Les religieux faisaient préparer et labourer les terres nouvelles pendant quelques années, et quand ils les avaient portées à un degré suffisant de fertilité, ils y bâtissaient des fermes, qu'ils confiaient avec le cheptel à des métayers."

I have, &c.
(Signed) G. A. GRATTAN.

No. 15.

Sir C. Murray to the Earl of Clarendon.—(Received December 15.)

My Lord, *Lisbon, December 10, 1869.*

I HAVE the honour to inclose herewith, to your Lordship, copy of a despatch which I have received from Mr. Consul Brackenbury, forwarding a report upon the various systems of Land Tenures prevailing in Portugal, in accordance with the instructions contained in your Lordship's despatch to Mr. Doria of the 11th of October.

I have, &c.

(Signed) CH. A. MURRAY.

Inclosure 1 in No. 15.

Consul Brackenbury to Sir C. Murray.

Sir, *Lisbon, December 4, 1869.*

WITH reference to Mr. Doria's despatch of the 18th October last, I have the honour to transmit to you, herewith, a report upon the various systems of land tenure prevailing in Portugal.

In this Report I have endeavoured to answer to the best of my ability the several queries contained in Lord Clarendon's despatch, marked Circular, of the 26th of August last, and to furnish such general information upon the subject as falls within the scope of the instructions of the circular itself.

In now submitting, as I respectfully beg to do, the result of my inquires to your better judgment, I need not point out to you, Sir, familiar as the fact must be to you, how much the satisfactory execution of a task like this is embarrassed by the absolute want in this country of any official agricultural statistics.

I can only hope that the defects in my Report due to this, and to other causes, will not be such as to render it utterly valueless as a very humble contribution towards the solution of the important question of the settlement of land tenure in Ireland which these inquiries are designed to elucidate.

I have, &c.

(Signed) GEORGE BRACKENBURY.

Inclosure 2 in No. 15.

Report upon Land Tenure in Portugal.

Preliminary Note.

AS the value attaching to the information furnished in the ensuing pages must necessarily depend, in great measure, upon the authority of the sources from which that information is derived, I have considered it desirable to preface this Report with a list of the more important works which I have had occasion to use in the execution of my task, and which are as follows :—

"Codigo Civil Portuguez." 2da Edição oficial, Lisboa, 1867.

"Censo de 1864." J. da C. Brandão e Albuquerque. Lisboa, 1866.

"Memorias Economicas da Academia Real das Sciencias." Vol v. Lisboa, 1815.

"Relatorio acerca da Arborisação Geral do Paiz." Lisboa, 1868.

"Compendio de Economia Rural." L. A. Rebello da Silva (at present Portuguese Minister of Marine). Lisboa, 1868.

"Compendio de Economia Industrial." L. A. Rebello da Silva. Lisboa, 1868.

"Relatorios do Governo da Companhia Geral do Credito Predial Portuguez." Exercicio de 1868. Lisboa, 1869.

"Memoria sobre a Origem e Progressos da Emphyteuse." V. A. E. de Carvalho. Lisboa, 1814.

I append a Table showing the English equivalents of the Portuguese money weights and measures referred to in this Report :—

MONEY.

		£	s.	d.
1 real	equal	0	0	0·53
100 reis	„	0	0	5⅓
1 milreis (1,000 reis)	„	0	4	5⅓
4½ „ (4,500 reis)	„	1	0	0

SUPERFICIAL MEASURES,

1 hectare	2·471 acres.

DRY MEASURES OF CAPACITY.

1 hectolitre	2·751 bushels.
1 moio (or 60 alqueires)	2·70 imp. quarters.

WEIGHTS.

1 gramme	0·035 ounces avoirdupois.
1 kilogramme	2·206 pounds avoirdupois.

Name of Country.—PORTUGAL. The continent of Portugal, exclusive of the adjacent islands and the colonies, according to the last census, that, viz., of 1864, contains,—

Population.—A population of 3,986,558 inhabitants; a number supposed, by competent judges, to be below, rather than above the mark. Of these 1,955,929 are males, and 2,030,629 females.

Area and Agricultural Produce.—The area of Portugal is 8,954,010* hectares, or 34,573½ square miles, and the density of population is therefore 115⅓ to the square mile. For facility of calculation in the following Report the population will be taken in round numbers as 4,000,000, distributed over a surface of 9,000,000 hectares, and the mean density or population therefore is 44 per 100 hectares.† Of the total area of 9,000,000 hectares it has been calculated by two eminent authorities at least,‡ and on entirely independent data, that 2,000,000§ hectares, at the outside, are under any species of cultivation. Of these, 1,048,000 hectares, or rather more than half, are laid down in cereals, with an average annual yield of 11,050,000 hectolitres. The subjoined Table, which will be found useful for subsequent reference, shows the proportion of the different grain crops to each other and to the total yield, the number of hectares devoted to each, the mean value per hectolitre, and the gross value of each description of grain, and of the whole production.

Description.	Hectolitre.	Hectares.	Value per Hectolitre.	Gross Value.
			Reis.	Milreis.
Wheat	2,000,000	250,500	3,623	7,246,000
Indian Corn	5,600,000	311,500	2,318	12,980 800
Barley	700,000	70,000	1,739	1,217,300
Rye	2,400,000	400,000	1,452	3,484,800
Oats	200,000	12,000	1,452	290,400
Rice	150,000	4,000	2,500	375,000
	11.050,000	1,048,000	..	25,594,300

The remaining area under cultivation is thus distributed:—

	Hectares.
Fallows	300,000
Vegetables	31,499
Potatoes	13,499
Orchards‖ and kitchen gardens	24,424
Meadows and pasture lands	200,000
Oliveyards	42,000
Vineyards	189,409
Chestnut woods	12,436
Woods and forests	100,000
	913,265

From the foregoing Tables it will be seen that the staple cereal in Portugal is Indian corn, and this, with olives and vines, form together the *differentia*, if I may be allowed the expression, of Portuguese agricultural production. Other cereals are indeed grown with more or less success; more than a tenth of the cultivated area is devoted to pasturage; a very large amount of vegetables is raised with incredible care and patience from the com-

* According to the calculations of the Geographical Institute of Lisbon, as quoted by M. Rebello da Silva. The Report of Messrs. C. Ribeiro and J. Delago to the Portuguese Government ("Arborisação Geral do Pais") gives the area as 8,962,531 hectares.

† This gives 114 approximately to the square mile, a result near enough to the truth for practical use.

‡ M. Rebello da Silva and Messrs. Ribeiro and Delgado.

§ Accurately, 1,961,265 hectares.

‖ Including orange and lemon groves, which occupy 2,546 hectares.

paratively small area devoted to this species of culture; the quantity of oranges, lemons, and other fruits produced is considerable, and, owing to the varieties of soil, climate, configuration, and exposure enjoyed by this country, almost every agricultural product of Europe is to be found here in more or less abundance; but in any calculation of the present resources of the land the main elements must be the three above enumerated. A significant circumstance which will not have failed to be observed is, that 300,000 hectares, or about one-sixth of the whole cultivated area, are annually absorbed by fallows. The extent and value of the grain crops has already been given; the mean value of the wine crop has been estimated at 36,000,000 milreis (8,000,000*l.* sterling); that of the olive crop at 2,228,000 milreis; other fruits and all vegetables, including potatoes, at 7,967,000 milreis.

Omitting the particulars of other items of less interest, the normal annual value of the vegetable produce of Portugal is estimated by M. Rebello da Silva at 81,101,300 milreis (18,022,510*l*), while the same authority gives the corresponding value of the animal products at 23,221,000 milreis (5,160,222*l.*), thus making the annual total value of the agricultural produce 23,182,732*l.*; an amount which is certainly very much under-estimated.

Religions.—The Catholic Apostolic Roman religion is the only religion recognized by the State, and is professed by the vast majority of the nation. All other forms of worship are tolerated under certain restrictions. Of Dissenters, the only sects of any importance are the Jews and Protestants. Of the former there are perhaps 200 in Portugal, of the latter the number, exclusive of foreigners, resident or domiciled, is not appreciable.

Industrial Pursuits.—The population of Portugal being, as above stated, 3,986,558 persons, it is calculated, upon what appear to be reasonable data, that the rural population absorbs 2,899,090 of these, among whom are found—

Proprietors (including "foreiros")	419,402
Tenant farmers	139,000
Domestic and farm servants, shepherds, cowherds, &c.	105,000
Hired labourers	210,000
	873,402

Which, admitting that each of them supports a fraction more than two persons on an average besides himself, makes up the above total. There would then remain 1,087,467 persons of both sexes to be accounted for in the urban population, and thus the rural would be to the urban population nearly as 3 to 1.

Of the urban population, according to calculations which must be regarded as only approximately correct, owing to the absence of any official data posterior to the year 1852, there would be employed of both sexes and of all ages in—

Manufactories on a large scale ("Grande Industrie")*	19,076
Manufactories on a small scale, professions, handicrafts, &c. ("Pefite Industrie")	186,684
Mining	4,541
Fisheries	20,000
Commerce and wholesale trade	5,942
Retail and mixed, *i.e.*, wholesale and retail trade establishments	23,591

The foregoing data as to the urban population are so imperfect that they must only be accepted with great reserve. Bearing in mind, however, that they leave large classes of the inhabitants of towns unspecified, as well as the majority of the adult female population, besides all infants and many minors of both sexes; and that, with regard to retail and mixed trades, the number of the establishments alone is given, without any reference to the number of persons employed in them, I see no reason to believe that the respective totals have been to any serious extent over-stated. The number of 19,076 operatives employed in the Grande Industrie is obtained by M. Rebello da Silva, from whose work on Industrial Economy the above data are extracted, by adding a fifth as the probable rate of increase since 1852, when their number was stated in an official Report drawn up for the Department of Public Works at 15,897, employed in 362 factories. Of these operatives more than 11,000, or two-thirds, were at that time employed in the great cities of Lisbon and Oporto alone. The total number was divided among men, women, and children (of both sexes) under 16 years old, as follows:—

Adult men	7,978
„ women	4,772
Boys and girls	3,147
	15,897

* In this division are comprised all establishments employing ten or more workpeople.

In the different branches of manufacture the numbers employed were in operatives—

Cotton textures	4,130	Wool spinning	166
Woollen ditto	3,083	Other descriptions	98
Silk ditto	589	Tobacco manufactures*	1,325
Linen ditto	383	Dyeing and printing	1,190
Mixed silk and cotton textures	58	Paper making	1,071
Mixed wool and cotton ditto	23	Glass and crockery-ware making	905
Silk spinning	23	Hat making	657
Cotton ditto	54		

At the same time (in 1852) there were only in the whole of Continental Portugal 70 machines, with an aggregate of 983-horse power. M. Rebello da Silva estimates them now at 84, by the same process of adding one-fifth to the number ascertained at the earlier period.

Passing now to the Petite Industrie, we find 115 small† factories of cotton, linen, and wool; 411 small iron foundries; 21 small laboratories of chemical products; and 219 small dyers' yards. To the purely manufacturing population thus obtained must be added a few thousand hand-loom weavers, and 1,500 women and girls employed in lace-making. The rest of this industrial division consists mainly of artizans, handicraftsmen, butchers, bakers, carriers, &c., and persons employed, directly or indirectly, in the learned professions, literature, and the fine arts.

It is thus evident that not only is the bulk of the population of Portugal devoted to agricultural pursuits, but that of manufactures on a large scale she is almost totally estit ute.

Land Occupation.

The system of land occupation in Portugal is fourfold, viz., by—

(*a.*) Small proprietors;
(*b.*) Tenants under proprietors;
(*c.*) Métayers;
(*d.*) Emphyteutas.‡

These last are occupiers by a tenure analogous in many respects to the copyhold of England, the rent being fixed, and the tenant irremovable; and they are by most Portuguese writers referred to the class of small proprietors.

As to the proportion in which these several systems exist in this country nothing can be known with absolute certainty, and but little with any probably degree of certainty at all. Before endeavouring to ascertain this residuum, it will be necessary to premise that these modes of tenure vary more or less directly with certain broad geographical divisions of the country which have been adopted by most of the writers on rural economy.

These agricultural regions are the Northern, Central, Southern, and Mountainous.

1. The Northern Region embraces the six administrative districts of Vianna do Castello, Braga, Oporto, Aveiro, Vizen, and Coimbra,§ and contains 1,892,836 hectares, with a population of 1,853,397 inhabitants, which gives nearly 100 inhabitants per 100 hectares. This is the most thickly populated part of Portugal, and here small proprietors abound, and the "petite culture" prevails. It is stated that in parts of the district of Vianna the large properties are to the small as 1 to 15, in other parts as 1 to 10, while the number of small proprietors nearly equals that of the day labourers. The configuration of this region is generally mountainous, and the natural fertility of the plains and valleys is augmented by irrigation or by alluvial deposits from the rivers. The cereal chiefly cultivated is Indian corn. Cattle-breeding is on the increase, and the system of stall-feeding has been introduced of late years in this region, which now carries on a steadily progressive export trade in live cattle. In this region also is comprised the famous wine-growing district of the Douro.

2. The Central Region extends from the valley of the Mondego to the south of the valley of the Tagus, and comprises the three administrative districts of Leiria, Santarem, and Lisbon.‖ Its general aspect is not indicative of fertility, and with an area of 1,770,394 hectares, it has only 836,555 inhabitants, or 47 inhabitants per 100 hectares. Although containing much poor and worthless land, many of the valleys, and the great basin of the Tagus receiving, as it does, the rich deposit of the river, show great fertility.

* At that time (1852) a Government monopoly.
† "Small," *i.e.*, employing fewer than ten operatives.
‡ A full account of this species of tenure will be found under the answer to the query headed "Copyhold."
§ Minho:—Vianna, Braga, Oporto. Part of Beira:—Aveiro, Vizen, Coimbra.
‖ Estremadura:—Leiria, Santarem, Lisbon.

The defective conservancy of the river, and the consequent flooding of good land at the period of freshes, undo, however, much that labour accomplished. The land at such times is covered with sand, or remains under water, and it is said that there is no district of the country where marshes and fens are more numerous than here. In this region large and medium sized properties prevail almost equally, and small properties and "la petite culture" are, therefore, rare. Owing to its central position wheat, the southern crop, and Indian corn, the prevailing crop of the north, are cultivated in about equal proportions, while the rice crops exceed those of all the rest of the Kingdom. Of live stock the production is comparatively small.

3. The Southern Region comprises the two Provinces of Alemtejo and Algarve, in other words nearly the whole of Portugal south of the Tagus, and is coincident with the administrative districts of Beja, Evora, Faro, and Portalegre.* In area it is the most extensive, in population the thinnest, of the four agricultural regions, containing only 527,790 inhabitants to the 2,979,574 hectares which it embraces, or only 17 inhabitants to the 100 hectares. The soil is for the most part thin, poor, and sandy, though interspersed occasionally with lands of a heavier and more fertile character. The climate is the hottest and driest in Portugal, and woods of cork-trees and oak abound. The Kingdom of Algarve, one of the greatest sub-divisions of this region, and of which the flora appears to be transitional between those of the Mediterranean and of the Oceanic coasts of Europe, is characterized by the growth of the dwarf palm- and carob-tree, &c. Here large properties predominate, which M. Rebello da Silva compares to the *latifundia* of the Romans. Wheat is the principal cereal, and large numbers of swine are fattened in the vast acorn-woods for which the district is remarkable.

4. The mountainous region consists of the four administrative districts of Castello Branco, Guarda, Bragança, and Villa Real.† It occupies an area of 2,311,206 hectares, with a population of 768,916 inhabitants, which makes the density of population 33 inhabitants to the 100 hectares. This region, as its name indicates, is the highest elevation of the four, being formed of lands placed at a height of from 500 to 2,000 metres above the sea level. The highest lands produce a coarse undergrowth; the slopes of the mountains and the lower table-lands afford good spring pasturage and rye crops; while the lands at the base of the mountains and in the bottoms of the valleys form luxuriant meadows, and yield crops of wheat and good Indian corn wherever the plains are sheltered, and in a position to profit by the alluvial deposit from the rivers. In this, as in the northern region, the "petite culture" is in the ascendant, and small and, perhaps, medium sized properties are the rule. The mountain-tops, which are barren, are mostly common lands. Rye is the cereal chiefly cultivated here, and sheep and goats are the principal live stock.

The subjoined Table exhibits, in a synoptical form, some of the more important data above stated in regard to the four agricultural regions of Portugal, together with some other particulars which may serve to elucidate the difficult and doubtful question as to the proportion in which the different systems of land occupations exist throughout the country.

* Alemtejo:—Portalegre, Evora, Beja. Algarve:—Faro.
† Part of Beira:—Guarda, Castello Branco. Tras-os-Montes:—Bragança, Villa Real.

Name of Region.	Area.	Population.	Number of Proprietors.*	Number of Inhabitants per 100 Hectares.	Number of Proprietors per 100 Hectares.	Proportion of Proprietors to Population.	Number of Hectares to each Proprietor.	Proportion of cultivated area to each Proprietor.	Ruling system of Occupation.	Ruling scale of Culture.	Chief Cereal.
	Hectares.							Hectares.			
Northern	1,892,836	1.853,397	214,478	100	12·5	11·5 per cent.	8	..	Small proprietors	Petite culture.	Indian Corn.
Central	1,770,394	836,555	61,982	47	3·5	7·4 „	28	..	Tenants under large proprietors, and under owners of medium properties	Grande and moyenne culture	Wheat and Indian Corn.
Southern	2,979,574	527,790	29,050	17	1	5·5 „	102	..	Tenants under large proprietors	..	Wheat.
Mountainous	2,311,206	768,916	113,882	33	5	14·8 „	20	..	Small proprietors, and some tenants under owners of medium properties	Petite culture.	Rye.
All Continental Portugal .	8,954,010	3,986,558	419,402	44	4·6	10·5 „	21·35	4·7	Small proprietors	Petite culture.	Indian Corn.

* Including *Emphyteutas*.

(A.)—Small Proprietors.

1. The total want of any official statistics in regard to land tenure in Portugal renders it impossible to give an approximate calculation of the quantity of land usually held by each small proprietor. The holdings, however, must be mostly of very limited extent, since the proportion of proprietors to the total cultivated surface of Portugal is such as to give only about 4½ hectares (about 11 acres) of cultivated land as the share of each proprietor. Allowing for the large properties which are the rule in Southern Portugal, and for the large and medium sized estates, which occur more or less frequently in the other agricultural regions; it is obvious that there must be a very large number of proprietors whose portions of land will be extremely small. These properties are perhaps more usually intersected by others than held together.

2. The law regulating the descent and division of landed property on the death of the owner is as follows:—

(*a.*) Where the owner dies intestate, or where, having made a will, the will is annulled or becomes void, the estates descends to his lawful heirs, in the following order:—

1. Lineal descendants.
2. Lineal ancestors.
3. Brothers and sisters and their issue.
4. Surviving husband or wife.
5. Collaterals not included in No. 3 to the tenth degree.
6. The State.

Relatives in the same degree take equal shares of the inheritance, without respect of sexes; and a relative in a nearer degree excludes a relative in a more remote degree.

(*b.*) Where the owner dies having made a will, and leaving lineal descendants or lineal ancestors, two-thirds of the estate descend absolutely to his lawful heirs, as the whole would have done if he had died intestate, and in the same order; as does also such portion of the remaining third as may not have been disposed of by will by the owner, in accordance with his legal right so to dispose of this third.

(*c.*) Where the owner is married, and the marriage has been entered into without a settlement, the law gives one-half of the estate to the survivor of the marriage for life, and the other half goes to the lawful heirs; and husband and wife have each the power of disposing by will of one-third of their real property. But on the death of the survivor, the children or other lawful heirs are absolutely entitled to take *per capita* or *per stirpes*, as the case may be, the other two-thirds which they take in equal shares.

It is obvious how much this law encourages the division of landed property. When the inheritance falls in, the coheirs may make whatever arrangement they please as to the mode of dividing it, provided they are none of them absent or outlawed, and are all of full age; and provided also such arrangement be embodied in a public instrument. Where, however, any of the co-heirs are minors, absent or outlawed, and inventory and valuation must be made in due form of law, and the heirs are then called together to a private auction, at which they settle on what terms each of them is to retain such particular tenement as he may select. Where, owing to differences of opinion among the heirs, being of full age, or from its being necessary to guaranty the interests of such of them as are minors, it becomes impossible to decide upon the proper price of any given lot, such lot is put up to public auction, and the proceeds are divided among the heirs. All the lots remaining, after the amicable distribution or public sale, are then divided equally among the heirs, in accordance with the legal valuation.

Finally, where there remains any object which has not been adjudged at auction, and which is incapable of division, it may be sold, or allotted to one of the heirs at a price to be agreed upon,—or it may be held in common by them all.

The legal method used for the sale, transfer, exchange or division of landed property is by registry. All transmissions of real property or rights are by law subject to registration. The failure to register them does not prevent the titles being pleaded in suits between the parties or their representatives, but such titles, until registered, have no effect as against third persons; and possession, unless previously registered, cannot be pleaded in proof of ownership. The mere act of registering a transmissive title, without any other formality, transfers the legal possession to the person in whose favour such title is registered. Contracts for the sale, transfer or exchange of landed property must always be reduced to writing. The instrument may be of a private nature, where the value does not exceed 50 milreis (about 11*l.*); where the value is more than that amount, the contract must be executed in due form before a Notary Public.

The mode of division of landed property in due course of law, as between co-heirs, has been set forth in the answer to the preceeding query.

It has been seen that all transmissions of landed property must be registered to hav any effect against third persons; and that sales, transfers and exchanges of such property must be effected by a distinct conveyance—executed in most cases before a Notary Public. The expense of such conveyances is moderate, while the fees for registration are within the means of the most humble.

4. Special facilities for raising loans upon all landed property, whether in large or small parcels, are afforded by a public company sanctioned by and enjoying special privileges from Government, under the provisions of the Law of 13th July, 1860, which enacts that any Land Credit Company, or Land Mortgage Bank, to be thereafter constituted, shall, upon the fulfilment of certain preliminary conditions, enjoy, during twenty-five years from the date of its official constitution, the exclusive privilege of issuing mortgage bonds or debentures, which shall represent solely and exclusively the transactions of the companies in loans upon mortgages of real property.

A company was accordingly constituted under the provisions of the law above cited, under the title of the "Companhia Geral do Credito Predical Portuguez," the statutes of which were approved by the State on the 25th October 1864. A liberal interpretation by Government of the 13th Article of the Law of 13th July, 1863, has, besides, recently (2nd March, 1868) exempted loans contracted with this Company from the "decima de juros," an impolitic tax of 10 per cent., first imposed in 1762 and still levied upon the accruing interest of all other loans. The "Companhia Geral do Credito Predial Portuguez" commenced its operations at the end of the year 1865, and the sub-joined Table shows their amount for that and each subsequent year to 1868 inclusive.

Year.	Loans to Landowners.				Loans to Municipalities.			
	Number of Loans.	6 per cent.	Number of Loans.	5 per cent.	Number of Loans.	6 per cent.	Total.	
							Number of Loans.	Milreis.
		Milreis.		Milreis.		Milreis.		
1865 ..	1	3,996	..	..	..	..	1	3,996
1866 ..	235	856,548	..	..	..	..	235	856,548
1867 ..	568	2,130,570	16	135,648	3	12,996	587	2,279,214
1868 ..	803	1,808,082	1	144	3	12,978	807	1,821,204
	1,607	4,799,196	17	135,792	6	25,974	1,630	4,960,962

Thus, up to the end of 1868, loans on the security of real property had been made by the company to the amount of 4,934,988 milreis or 1,096,664*l.*; the saleable value of the properties mortgaged amounting to 12,664,533 milreis or 2,814,340*l.* The annuities in which the principal and interest of the above 1630 loans are to be paid off are distributed as follows:—

Number of Loans.	Number of Annuities.	Total Amount of Loans.
		Milreis.
60	10	95,742
2	12	7,020
1	14	1,512
15	15	40,338
2	16	954
108	20	487,134
14	25	85,986
1	26	702
126	30	264,438
5	31	9,234
3	32	3,996
2	35	5,490
64	40	146,070
22	50	84,726
1,205	60	3,727,620
1,630	..	4,960,962

The sums for which such loans were affected are thus classified :—

					No. of Loans.	Total Amount.
	£		£			Milreis.
From	20	to	110	.. .. ..	447	29,148
	110		220	.. .. ..	352	54,928
	220		440	.. .. ..	341	103,663
	440		1,100	.. .. ..	272	188,316
	1,100		2,200	.. .. ..	115	169,544
	2,200		4,400	.. .. ..	68	205,488
	4,400		8,800	.. .. ..	27	161,892
	8,800		15,500	.. .. ..	5	64,452
	15,500		31,000	.. .. ..	3	75,556
	31,000		44,500	.. .. ..	1	44,444
	Total			.. .. ..	1,630	1 102,436

It will be seen from the last three Tables—

First, that these loans are already commonly raised ; secondly, that by far the largest portion of them, whether as regards number or amount, were raised at 6 per cent. interest, and were repayable by annuities extending over sixty years ; and thirdly, that three-fourths of the number of loans were contracted for sums under 450*l.*, and that one-half of the total value was raised in sums ranging from 20*l.* to 2,300*l.* It is reasonable, therefore, to suppose that a considerable proportion of the money lent by the Company has been taken up by the smaller proprietors ; and it will be remembered that the system may be said to be still in its infancy. The terms and conditions upon which these loans are effected are—that the sum borrowed shall be furnished to the borrower in mortgage bonds at par, bearing the same interest as the loan, the Company undertaking to negotiate the bonds and to make advances upon them ; or, where the borrower prefers it, the loan may be made in money ; that the long annuities by which the principal and interest are to be repaid shall never extend over a period of less than ten, nor more than sixty years, and shall be payable in two equal half-yearly instalments ; that such annuities shall comprise—

1. Interest which shall never exceed 6 per cent on the capital lent.

2. A sinking fund, to be determined by the rate of interest and the duration of the loan.

3. A commission for expenses of management, which shall never exceed 1 per cent. per annum.

That interest at the same rate as that on the loan shall accrue on the over-due half-yearly payments, and that default of payment of the annuities shall also entitle the Company to claim immediate payment in full of the debt within thirty days from notice given, and, failing payment, to foreclose in due form of law ; that the borrower shall have the option of making his payments partially or wholly in advance, and in money or mortgage bonds, which shall be received at par ; but such payments in advance shall entitle the Company to receive an indemnity of 3 per cent. on their amount ; and, finally, that such loans shall only be made on first mortgage, except when contracted for the purpose of paying all prior charges, in which case the Company will retain a portion of the loan sufficient for this purpose, so as to become, in fact, the first mortgagee.

In practice, these loans scarcely ever bear less than 7 per cent. interest, independently of the sinking fund, a rate which will appear high in English eyes, but which is not excessive as compared with the ordinary interest of money and the average price of the Portuguese funds. There is, nevertheless, an opinion current in the country that the charge will be heavier than many of the impoverished estates will bear in the long run ; that the Company will consequently be compelled in these cases to foreclose ; and that considerable quantities of land will, by this means, be brought into the market, a result which, if it arises, will be analogous in many respects to the operation of the Encumbered Estates Act in Ireland. This result is rendered the less improbable by the fact that while the ostensible object for which the loans are raised is the improvement of the property, they are frequently entered into to relieve the owner from pecuniary embarrassments arising from other causes.

There is no doubt that many of these properties were heavily mortgaged before the Land Credit Company commenced its operations ; and that they still are so. In the ten years from 1852 to 1861, both inclusive, the registered debt owing by the land in Portugal on mortgage amounted to 7,850,000*l.* in round numbers. Of this sum about one-fifth only had been lent by the religious corporations, who charged a fixed interest of 5 per cent. The remaining four-fifths were loans from private persons, and, in the majority of cases, it

is certain the rate of interest was extremely usurious, averaging from 10 to 15 per cent., and even higher. The rate of interest charged by the Land Credit Company has been already given.

6. The legal method of registering these mortgages is by entering them, with the required legal formalities, in the Public Land Register. The Civil Code provides that there shall be a public registrar in each "concelho" (sub-district) of the Kingdom; it prescribes the number and forms of the several registers, one of which is to be a register of mortgages, and provides carefully for the service of registration being executed with all possible despatch. The fees for registration are extremely moderate, each formality costing only a few pence, and the only other expense connected with the act of registration is where it may be necessary to obtain an authenticated copy of the original deed of mortgage from the notary before whom it may have been executed, and even in this case the cost is not heavy.

7. In answer to the question, what crops are raised on small properties in Portugal, it may with safety be replied that, among cereals, Indian corn predominates. The proportion it bears to that of all other corn crops throughout the country, as will appear on reference to the Table gived at the beginning of this Report, under the head of "Area," is one-half in respect to quantity and value, and one-third in respect to the portion of the cultivated area devoted to cereals. The subjoined Table shows in what proportion it is raised in the four agricultural regions, which are arranged in an order corresponding to the prevalence of small properties within the same districts:—

Region.	Order of Prevalence of Small Properties.	Quantity of Indian Corn Grown.
		Moios.
Northern	1	375,552
Mountainous	2	32,098
Central..	3	77,012
Southern	4	6,428

The total produce of the vineyards of Portugal is more valuable even than that of the whole area under corn crops. The following Table, drawn up on the same principle as the last, gives the distribution of the wine crops for the year 1862:—

Region.	Order of Prevalence of Small Properties.	Crops of 1862.
		Hectolitres.
Northern	1	317,751
Mountainous	2	267,850
Central..	3	165,592
Southern	4	88,351

Of the olive crop, nearly two-thirds are produced in the southern and central regions, to which this species of culture is more congenial than it is to the rougher climate of the northern and mountainous regions. The proper rotation of crops, though inculcated in theory, is only beginning to be recognized as a practical necessity of agriculture in Portugal. Hence the large amount of land lying fallow is calculated at not less than 300,000 hectares annually; an extent equal to one-sixth of the whole cultivated area, and to one-third of the area under cereals. In Estramadura and Algarve (central and southern agricultural regions) the most ordinary rotation is a year's wheat or barley, and two years' Indian corn or potatoes. The general mode of cultivation throughout Portugal is extremely primitive; exhaustive predominate over restorative crops, and the agricultural implements are, for the most part, rude and antiquated.

Neither my own experience, nor any data with which I am acquainted, enable me to answer the question "In what manner are stock raised and pastured on small properties, and what is the proportion between tillage and grass lands?" The extent of grass lands must, however, be comparatively small, since their proportion to that of the whole area under cultivation is only as 1 in 10.

8. Machinery is scarcely, if at all, employed either as a substitute for, or in aid of, manual labour.

The total number of hired labourers throughout Portugal (exclusive of bailiffs, farm-servants, cow-herds, &c.) is calculated by M. Rebello da Silva at 210,000, or one labourer to every two proprietors. This gives only 0·105 hired labourers to the hectare, or 0·0424 to the acre. Female labour is extensively employed in the northern and mountainous

regions, where the population is dense and property extremely sub-divided; less in the central region, and scarcely if at all in the southern. Statistics on this point are all but absolutely deficient; but the following is stated to be the proportion of female to male labour in three of the administrative districts:—

Agricultural region.	District.	Hired Labourers	Male.	Female.
Central	Leiria	13,931	10,410	3,521
Northern	Coimbra	18.000	15,814	2,186
Ditto	Aveiro	17.246	8.499.	8.747

The average daily wages of the agricultural labourer throughout Portugal are not obtainable from any published statistics with which I am acquainted. In the Lisbon district, reapers in 1866 were paid from 1*s.* 4*d.* to 1*s.* 6*d.* a-day, and spade labourers from 1*s.* 1*d.* to 1*s.* 2*d.*, or a little more; women and boys from 7*d.* to 10*d.*

In the district of Vizen (northern region) the wages of the men varied from 10*d.* to 1*s.* 3*d.*, while those of the women did not exceed 5*d.* On the whole, I am inclined to believe that the last-mentioned sums would nearly represent the average wages of hired labourers, male and female, throughout the country. Hired labourers on small properties do not as a rule live with their employers, they being themselves in many instances small proprietors also.

9. There is a considerable emigration of these agricultural labourers from the Northern provinces (1) to Brazil, and (2) to the Southern provinces. The extent of the emigration is not accurately known; it amounts, however, to several thousands annually, and its cause is attributable to over-population in relation to cultivated area, to the low rate of wages, and to the desire to make money to invest in land. The capital applied to the land in the Minho is mainly derived from the fortunes made by emigrants to Brazil, while the high rates of wages at harvest time in the thinly-populated South draws a large annual influx of Northern labourers, similar to that of the Irish reapers, who, a few years ago, were to be found in so many of the English counties at the corresponding period of the year.

10. There are no data for ascertaining in what proportion the small proprietors who live on their properties are to those who inhabit villages adjacent thereto. It may perhaps be assumed, though with much caution, that their numbers are about equal.

11. The standard of living and general circumstances of the rural population at large are thus described by M. Rebello da Silva:—

"The rural populations of Portugal are for the most part far more robust, and in many localities thay are *ailing*, weak, and apathetic. The want of sufficient nutriment and the marshy miasmas to which they are exposed contribute to the gradual degeneration they exhibit. Their vigour and growth are stunted by the large quantities of vegetable food (such as broad and French beans, peas, chick-peas, &c.) which they are compelled to consume in order to obtain the *quantum* of nitrogenous substance essential to life. Potherbs, a little rice, chestnuts, and scanty rations of fish, constitute, with the vegetables, the main sustenance of our rural classes. Beef, mutton, goats'-flesh, and pork are never eaten by them, except perhaps on a few holidays in the course of the year. The people live and labour—or it may be more correctly said that in many parts of the country they only vegetate,—and are too weak and too little energetic for the physical efforts demanded of them."

Gloomy as this picture is, I fear it is but little exaggerated, and its main details are certainly more applicable to the class of very small proprietors than to the hired labourers, who, in the Alemtejo at least, obtain, besides their wages, a scale of rations, into which meat enters to a considerable extent.

12. No answer can be given to this question with any approach to accuracy, owing to the lamentable deficiency of agricultural statistics—a deficiency which is thus characterized by the writer of the latest work of authority upon this subject:—

"Only a direct census of the agricultural population could enable us to meet these difficulties; but so far are we at present from anything of the kind, that there does not exist even the expectation of a time when so important a subject may begin to be cared for."

13. The prevalent public opinion as to the advantages or disadvantages of the system of small proprietors in this country would appear to be that where, as is frequently the case in the north of Portugal, the subdivision of the land has been carried to excess, the result has been to lower the standard of living of the rural population, and to create an intense competition for land, which, while it stimulates the avarice of the people in acquiring it, leaves them an easy prey to usurers after it has been acquired. On the other

land, it is held that this system here, as elsewhere, under favourable circumstances, conduces to a more careful cultivation of the soil and to a larger production from it, and that encourages among the peasant proprietors and their families the virtues of industry, temperance, and frugality. The objections to the system might be easily overcome, if a well-considered scheme were at once adopted for bringing under cultivation the many millions of acres of land which now lie needlessly barren; while its advantages would, by the same process, be intensified and spread over a larger surface; and, as this system of tenure is especially in harmony with the highly democratic form of government which Portugal now enjoys under a constitutional monarch, and is moreover encouraged by the nature of the laws regulating the descent, division, and transmission of land, there can be little doubt that it will eventually be the predominant form of land occupation throughout Portugal.

(B.)—Tenants and Sub-Tenants under Landlords.

The Civil Code of Portugal, which came into operation on the 22nd March, 1868, lays down, with extreme clearness and precision, the law which is to regulate henceforth the conditions and incidents of the different varieties of land tenure; and the information furnished under this and the two following heads (C and D), of my Report, has been mainly derived from the provisions of that code, and has been, in all instances, checked by them, in so far as they were applicable.

The queries under the head B (tenants and sub-tenants under landlords), will be assumed as being repeated the heads C (métayers), and D (emphyteutas), and will be answered separately in regard to each of the three descriptions of tenure, except in as far as the answers to the queries under head B, apply equally to the queries under heads C and D; in which case a reference only will be made to the answer already given under head B.

Tenure.

1. The quantity of land held by each tenant, varies from province to province, from district to district, and from one part to another part of the same district. There are no statistics whatever published upon this point; and it is impossible to give even an approximate calculation of an average.

2. The nature of this tenure is thus defined by the Civil Code;—"The contract of "arrendamento" (letting at a rent, or on lease) arises whenever any one transfers to another the use and fruition of (real property) for a fixed time, and in return for a fixed retribution."

The duration of leases in Portugal is for the most part brief. The vast majority of them are in the nature of tenancies-at-will, from year to year. A five or six years' lease is in practice a long one; and leases of still longer duration are exceptional. It is easier to obtain a lease, for a term of years, of corn or pasture lands, than of vineyards, olive-yards, or orange-groves, since a dishonest tenant will have more temptation and greater facilities to exhaust the latter than the former during the period of his tenure.

A system of perpetual leases was introduced in the Alemtejo in the latter half of the eighteenth century. They were devised as a means of colonizing the waste lands of that province; and their leading incidents were, that the landlord could neither evict the tenant nor raise the rent except by Royal licence, or where the landlord wished to cultivate the farm himself. These laws, which had already become obsolete in practice, have been abrogated by the Civil Code. In effect they were a complete failure; the landlord had always the power of harassing the tenant, who, in his turn, uncertain as he was of the duration of his tenure, mostly exhausted the soil; and at the end of a century's experience of this system, the cultivation of the Alemtejo, if it had not retrogaded, had certainly not made a step in advance. The leading incidents of the tenure are as follows:—

(*a.*) The landlord is bound to deliver to the tenant the farm, buildings, &c., in proper condition, having regard to the use for which they are designed; to preserve the farm in the same condition during the lease; not to disturb the tenant in his enjoyment of the lease, except for the purpose of indispensable repairs, (and even in this case the tenant may claim an indemnity for the interruption of his use of the farm); to secure the use of the farm against disturbance, arising from the rights (though not from disturbance arising from the acts) of third persons; and to answer for the loss the tenant may sustain in consequence of secret defects in the farm, existing prior to the lease. But the landlord may evict the tenant before the termination of the lease, if the tenant does not pay the rent at the periods stipulated, or if the tenant makes use of the farm for a purpose different from that to which it is properly adapted, or from that for which it was let.

(*b.*) The tenant is bound to pay the rent at the time, and in the manner agreed upon; or, where there is no agreement, according to the custom of the district; to answer for damages to the tenement caused by his own or by his dependents' fault or negligence; to use the tenement solely for the purpose agreed upon, or for such purposes as are conformable to the nature of the tenement; to defend the landlord against the usurpations of third persons; and to give up the tenement at the end of the lease, free from deterioration, except such as is inherent in its ordinary use.

(*c.*) If the landlord, upon a requisition being made by the tenant, should not execute in the tenement the repairs necessary to the use for which the tenement is destined, the tenant may rescind the contract and claim damages, or he may have the repairs executed at the cost of the landlord, the latter having been previously cited to answer within a fixed period.

3. In practice the tenancy is invariably created by written agreement. Where there is no lease, or where the lease does not specify the duration of the tenancy, the law declares that the tenancy shall endure for the period customary in the district, and should any doubt arise, from want of uniformity, as to what the custom is, the law presumes the custom to be that the duration shall never be less than the time necessary for one sowing and harvest, whatever may be the crops raised on the tenement.

4. Leases for a period exceeding one year, where the rent is paid in advance, or for a period exceeding four years where the rent is not paid in advance, must be registered. The nature of the system of registration is the same as that for the sale, &c., of land, and has already been fully explained in the answer to query (A) 3.

5. There is no law or custom under which a tenant, holding by any ordinary lease, is considered to have a right to remain in occupation of his holding (after the expiration of the lease) so long as he punctually pays the stipulated or any other rent. But the Civil Code provides that if, on the expiration of the lease, the tenant should be allowed to continue in the unopposed enjoyment of the tenement, it shall be presumed that the contract has been renewed for one year.

6. The tenant cannot sell his interest in his farm, but, if in the contract there is no clause prohibitive of sub-letting, he may sublet at his pleasure; but he will nevertheless remain responsible to the landlord for the rent and for the other obligations derived from the lease.

Rent.

1. In case of ordinary tenancies for a limited term the payment to the proprietors may be made by a fixed amount, either in money or kind. In practice the payment is usually made in money.

2. The rent, in the case of this description of tenure, is regulated by competition. The rent is usually payable yearly, and there is no hanging gale.

3. The landlord (as already stated, see B, Tenure, 2) has an unlimited power of eviction in case of non-payment of rent or breach of covenant; but not so, it may be inferred from the silence of the Civil Code, as to raising the rent in such case.

4. The legal means and procedure by which the respective rights of proprietors and tenants for recovery of rents and other claims are enforced is by action before the ordinary tribunals of the country. The law confers an exceptional privilege upon the landlord over other creditors in regard to the rent for the last and current year; but in order that this privilege may be enjoyed the lease must have been duly registered.

Evictions.

1. The legal means of procedure by which a landlord evicts a tenant are by summary process. A notice to quit having been served in due form of law, if the tenant resist he is summoned before a magistrate, and on the case (as non-payment of rent or expiration of the term) being proved against him, he is evicted by the executive arm.

The only legal mode of resisting such eviction on the part of the tenant is to prove to the Magistrate before whom he is summoned his right to undisturbed possession. The tenant who retains possession wrongfully is liable for damages. In case of eviction for non-payment of rent, the tenant is not allowed any time to redeem, except by the voluntary indulgence of the landlord.

2. Such evictions are not very frequent. When they do occur, the causes are generally non-payment of rent, wilful neglect or deterioration of the holding, and opposition to the landlord at elections.

Improvements.

1. Improvements are executed (if at all) by the tenant. It has been seen that the landlord is bound to deliver the tenement to the tenant in proper condition as regards the use to which it is destined, and to keep it in repair. This provision of law, therefore, applies to buildings existing on the farm at the time of the lease. New buildings erected during the lease would be made by the tenant, in the absence of a special clause binding the landlord to erect them; and few landlords in Portugal would consent to the insertion of such a clause.

2. The tenant has a legal right to execute necessary repairs at the cost of the landlord, if the latter fails to execute them when required to do so. The tenant also, where the lease is for less than twenty years, can, at its expiration, claim from the landlord the value of agricultural improvements, whether necessary or useful, even where they have not been made with express consent, unless, indeed, there should have been a stipulation to the contrary. But in case of a renewal of the lease, the sum thus paid for improvements, and the interest upon it, will be compensated by a corresponding augmentation of the rent. On the other hand, the tenant cannot refuse to give up the tenement at the expiration of the tenancy, unless he has executed improvements expressly consented to in writing, or such as come under the head of necessary repairs.

3. The landlord has, upon resuming possession, a legal right to the improvements made upon the farm by the tenant under the conditions and restrictions stated in the answer to the preceding query, which also explains what right the law recognizes in the tenant.

4. This right (of the tenant) is defined by the Civil Code; it would, I presume, be ascertained by evidence taken in a civil suit, and certainly enforced by the competent Tribunals of the country.

5. Tenants have at present no means of raising loans from Government, or from companies or banks aided or chartered by Government. An admirable law passed through the Cortes in the session of 1867, authorizing the establishment throughout the country of a number of local agricultural banks. As a means to this end certain hospitals and other benevolent institutions, whose property is to be securalized (disamortized) under the provisions of a former statute, were empowered, while still retaining their pious and benevolent character, to apply their liberated capital to the formation of banks of agricultural and industrial credit. One of the chief functions of these banks would have been to make loans for the maintenance and improvement of farms, and for the purchase of machinery, farming implements, manure, &c. This most useful piece of legislation has unfortunately been repealed, to the regret of all the most enlightened advocates of agricultural progress; but there can be little doubt that it will ere long be re-enacted, even if in a somewhat modified shape.

Miscellaneous.

1. The character of the relations between landlord and tenant in Portugal are described by M. Rebello da Silva as being anything but friendly. After referring in terms of unqualified praise to the Scotch system, which he considers due to the moderation and good sense of the landlords, who understand the future advantage to be derived from the equitable treatment of their tenants, he adds: "This obvious truth is unfortunately ignored or contemned in Portugal. Here the landlord and tenant regard and treat each other almost as if they were declared enemies. The contract which binds them together is tacitly adjusted to the prejudice of both, for the landlord thinks that his sole interest lies in the elevation of the rent; while the tenant, careless of the ills arising from the exhaustion of the soil, wrings from it the maximum produce with a view to satiating his own insane greed, and the still insane avarice of the landlord." This picture, undoubtedly most faithful in its striking touches, must be corrected by the admission that the state of hostility here described is latent rather than declared, and that the evils it pourtrays are so ingrained in the habits and traditions of the people that they are scarcely consciously perceived, and rarely complained of. If legislative interference is required for the better protection of the tenant, it is certainly not demanded by him; agrarian discontent, if it exists in Portugal, slumbers, and agrarian crime is unknown. Improvement, therefore, to come at all, must spring rather from a wider spread of education and enlightenment as regards both the classes interested, than from sweeping legislative changes which neither of them desire, and in which only one could be expected to acquiesce.

The mode of cultivation by these tenants is by oxen, for the plough, and by men and women with the hoe, spade, and other agricultural implements. As regards cultivation of their farms and general independence of character, they are, as might be expected, inferior

to the small proprietors; as regards employment of labour, mode, and standard of living, and, perhaps, solvency, they are superior.

3. The annual rate of increase in the population among tenants, as compared with that of small proprietors, could only be ascertained from statistics which unfortunately do not exist.

4. There is but little emigration among these tenants or their children. The chief emigration from Portugal is from the northern provinces, where the principal occupiers of land are small proprietors, "métayers, or emphyteutas" ("foreiros").

5. Public opinion in Portugal as regards the advantages or disadvantages of any system of land tenure has yet to be created. The system most generally prevailing in any particular province would probably be regarded in that province as the best suited to its special circumstances and requirements; and it is probably with a view to consult this localized opinion that the authors of the civil code, whilst simplifying and regulating the different systems of tenure now existing, have made no attempt to reduce them to uniformity.

6, 7, 8. The creation of freeholds or tenancies by proprietors, or the granting of leases, has never been enforced by the Legislature, with the exception of the perpetual tenancies already referred to, which were created in the Alemtejo, and which had become obsolete, even before they were legally abolished.

9. No steps have been taken by Government to create or increase the number of owners or freeholders, and no system is now in force with this object.

10. Tenants receive no assistance by law, public credit, or otherwise, in their endeavours to become proprietors of their own holdings or of their farms. Such endeavours are not frequent; nor, as far can be ascertained, is the desire to make them frequent.

11. The laws in force tend directly to favour the dispersion of land. Entails, which in Portugal were of the strictest and most exclusive character, and which had tied up in bands of iron landed property to the value of at least 3,000,000*l.* sterling, were absolutely abolished by the law of the 19th of May, 1863. The restoration of 1834 brought into the market a large quantity of real property belonging to the religious houses, and the subsequent mortmain laws passed in 1861 and 1862 have set free another considerable extent of land, which will all eventually be sold by public auction. At the same time, the law regulating the descent and division of landed property at the death of the owner, as set forth at the commencement of this report, the law facilitating and in some cases enforcing the registration of transactions in land, and the perfect liberty of selling and buying land which now exists, render its subdivision on an extended scale, a mere question of time, so long as no new legislative action is taken to check or alter the causes at present at work.

(C.)—Metayers.

Tenure.

1. See (B), Tenure, 1.

2, 3, 4, 5, 6. The tenure of metayage ("parceria agricola") is thus defined by the Civil Code.

"Metayage is whenever any person gives to another a farm to be cultivated by the latter on payment to the former of a share of the produce, such share to be ascertained in such manner as the parties may agree upon between themselves."

The usual duration of the tenure is from year to year. Its leading incidents are as follows:—

If either of the parties should die during the existence of the contracts, neither the surviving party nor the heirs of the deceased are bound to carry out its provisions. But, where at the time of the landlord's death the tenant has ploughed the land, dressed the vines, or done any other agricultural work, the contract will subsist for the length of time necessary for the tenant to recoup himself his expenses, unless the heir choose to reimburse him. The tenant must not remove the grain from the threshing-floor, nor the wine from the press, nor garner any other produce without notice to the landlord or his agent, if in the parish. If neither of them be in the parish the tenant may have the produce measured before two disinterested witnesses. Failing to act thus, the tenant is liable to pay double the quota due from him. Where there is no stipulation to the contrary, the seed is taken from the tenant's share of the produce. The tenant who fails to cultivate the farm or who does not cultivate it in the form agreed upon, or, at least, in the customary form, is liable in damages. Where there are no special regulations to the

contrary, the rules of law in regard to ordinary tenancies are applicable to metayage. See (B), Tenure 3, 4, 5, 6.

Rent.

1. In case of tenancies by metayage the payment to the proprietor is by share of the produce.

The rent is regulated by custom. Métayage prevails chiefly in the Minho, and in part of Beira and Tras-os-Montes.

2. The prevailing custom is that the landlord provides the stock and agricultural implements, and receives, usually in kind, although occasionally in money, from one-half to two-thirds of the produce, according to the degree of fertility possessed by the land. The custom of the district, where it is not contrary to the terms of the agreement, is recognized by law.

3, 4. See (B), Rent 3, 4.

Evictions.

1, 2. See (B), Evictions, 1, 2.

Improvements.

1 to 5. See (B), Improvements, 1 to 5.

Miscellaneous.

1. See (B), Miscellaneous, 1.

2. The mode of cultivation by métayers is the same as that adopted by ordinary tenants. They are in every respect (except, perhaps, in mode and standard of living) inferior to the small proprietors.

3. See (B), Miscellaneous, 3.

4. The information given in answer to query (A) 9, applies to métayers as well as to small proprietors.

5. The métayer system has met with no more mercy from Portuguese political economists than it has received, according to Mr. John Stuart Mill, from English authorities. "The métayers," says M. Rebello da Silva, "without capital and without education, farm the land according to traditional usage, and never improve their methods, for the métayer of to-day is exactly what his ancestors were 100 or 200 years ago. These poor and ignorant cultivators, incapable of initiative or of progress, are far, indeed, removed from the degree of civilization attained by the Scotch tenant farmer." In another passage he says:—"In the present day métayage reigns only where the poverty of the rural classes is greatest and most extensive. Impotent, as a rule, to stimulate the improvement of the soil, it is almost always accompanied by agricultural backwardness, and not seldom followed by immorality. The métayer is frequently guilty of fraud in the division of the produce, a circumstance which forces the landlord to continuous vigilance, which in the end becomes oppressive and vexatious." The same authority, however, holds that this system is applicable with advantage to the culture of the vine, the olive, and the orange, where the constant presence and supervision of the landlord is very desirable.

6 to 11. See (B), Miscellaneous, 6 to 11.

(D.)—Emphyteutas.

Tenure.

1. See (B), Tenure 1.

2. This tenure, it has been already observed, resembles the copyholds of England in that the rent is fixed and the tenant irremovable. The rent and services which, by ancient custom, were varying and onerous, were reduced by law in 1832 to a fixed rent, accompanied by a fine on sales, and the fine, as will appear hereafter, has been prohibited as to future contracts.

Emphyteuse* is thus defined by the Civil Code:—"The contract of emphyteuse arises whenever the owner of any real property (*prædio*) transfers the *dominium utile* of such property to another person, who binds himself to pay to the owner a certain fixed

* *Gr.*, Ἐμφύτευσις. Ingrafting, implanting; and, perhaps, met. amelioration.

rent, called a 'fôro' or 'canon.'" The landlord, who thus retains for himself only the *dominium directum* of the land, is called the Directo Senhor or Senhorio; the tenant is called the emphyteuta, or, more commonly, the Foreiro. The history of the origin and mode of growth of this description of tenure, which has had a most important share, from the earliest times, in the agricultural and social development of Portugal, and which is ingrained in the habits and traditions of the people, is as follows:—

The Romans, it is well known, when they conquered a country, occasionally left the land in the possession of the inhabitants, and at other times divided it among settlers or the victorious soldiery. The occupiers, to whichever of these classes they belonged, paid an annual fixed rent to the Republic, called vectigal. Squatting was also permitted on some of the unreclaimed lands of the conquered country, the squatters being held to pay to that State a fixed proportion of the fruits of the soil, and a varying quota of the live stock. Another portion of the unreclaimed lands was reserved for the benefit of the State or of the municipalities. The decurions, who were charged with the administration of these lands, let them on leases, some of which were originally terminable, but which all tended to become perpetual. These leases did not, however, convey any portion of the ownership, and the tenants were liable to have their rent increased, to be evicted whenever the State alienated the dominion, and thus to lose the benefit of any improvement effected by them. Such risks tended naturally to prevent the tenant from ameliorating his holding, and hence to defeat the object of the lease. By degrees, therefore, the improvements made by the tenant were secured to him; he was guaranteed from increase of rent and from eviction, the alienation of the property by the State being held thenceforth to affect the quit-rent only; and, finally, he obtained full power to dispose of the land, which nevertheless remained subject to the quit-rent in whatever hands it might be. The tenant thus, in fact, acquired the *dominium utile* of the land.

Although this tenure must have been familiar to the Romans at a comparatively early period of their history, the epoch at which it was first legally defined, and its Greek name adopted into Roman jurisprudence, is unknown. In the early days of the Lower Empire it was a fully recognized mode of contract, and a law of the Emperor Zenos fixed whatever had therefore been uncertain in its nature and incidents, and decided that nothing but the total destruction or extinction of the holding should exempt the tenant from payment of the quit-rent. Long before this, however, the tenure had become general throughout the Roman Empire, and existed in Lusitania. The conquest of Portugal by the Visigoths, and, subsequently, by the Saracens, substituted new laws and new tenures for those of the Romans, and there is reason to believe that the contract of emphyteuse fell into complete disuse, and did not fully revive until the reintroduction of the Civil Law,* which King Diniz ordered to be taught in his recently founded University of Coïmbra, and which was firmly established throughout the Kingdom by Dom John I, who caused a translation of Justinian's Code to be executed.

The Portuguese Code, bearing the name of Alphonso V, embraced a system of emphyteutic laws, and from this time forward emphyteuse became one of the leading tenures of Portugal, and was applied to cultivated as well as to waste lands, though more commonly to the latter. The Monarch, the great feudal lords, the churches, the monasteries, were all glad to alienate, in this form, waste or other lands which they could neither sell nor cultivate; but, whereas the rents exacted by the Romans had been for the most part moderate, they became, under the new system, in many cases exorbitant, the large and wretched class of non-proprietors being forced to accept, in return for land, any terms which its owners might choose to impose upon them. The rent and other services thus exacted from the tenant became, and still were up to a recent date, so oppressive that it was only with extreme difficulty that he was able, in many instances, to provide himself with the barest necessities of life. These "foros" were often not only exorbitant in amount, but most vexatious also in their variety and in the difficulty with which the means of paying them were procurable. Among the payments stipulated with frequency, by the ancient contracts of this nature, were such things as a quantity of incense, a certain number of porringers, iron tools, shoes, and sea-fish, where the holding was, perhaps, in the interior of a country possessing no roads. The usual services were no less oppresive, and would have been ridiculous but for the ruin in which they so often involved the tenant, who was compelled to kill for his landlord so many brace of partridges or so many couples of rabbits; to catch so many dozen trout; to furnish oxen or beasts of burthen for a journey of a certain distance; to work for the landlord in the fields one day in the week; to break up a certain amount of land for him, &c.'

* The author of the "Memoria sobre a Origem e Progressos da Emphyteuse" makes the origin of the modern contract coeval with the Monarchy, which would carry it back to the twelfth century; but it had certainly not become general before the date assigned in the text.

The tenant had to bear, moreover, the full incidence of all casualties and natural deterioration short of the total destruction of the holding; and the received and frequent usage of sub-letting, or, as it was technically called, sub-emphyteuse, was obviously liable to many of the worst evils associated with collier tenancies. The lease again was not always perpetual, but might be limited to one, two, or three lives, with or without a renewal clause. The uncertainty of the charges and incidents of this tenure led to frequent litigation; and if the tenant, in despair of turning his holding to profitable account, or even of wringing a livelihood from it, determined to sell, he was bound to pay to the landlord (who had also a right of pre-emption), a fine called "landemio," which varied in amount from a fortieth to a tenth, a fifth, and even a third of the purchase-money.

The law of 1832, already referred to, put an end to the grosser and more harassing of these abuses, and the Civil Code has quite recently placed this tenure on a footing, as regards the future, still more favourable to the tenant.

The nature and mode of growth of the tenure of emphyteuse having been thus described, it remains to state briefly what are its leading incidents: (*a*), in regard to contracts entered into subsequently to the promulgation of the Civil Code; and (*b*) in regard to contracts already in existence when the Code came into operation.

(*a.*) In regard to contracts under the new law: The contract of emphyteuse is perpetual. Any contract entered into under this name for a limited term will be treated as an ordinary lease for years. Sub-emphyteuse is abolished for the future, as are also the fine on sales, above referred to, and all other occasional and casual charges other than the fixed quit-rent. The interest on the holding is hereditary, as in the case of freeholds, but the holding cannot be divided without the consent of the landlord, consequently the heirs must arrange among themselves as to who is to retain the holding, which, failing such arrangement, must be put up to public auction. Where there are no heirs the holding reverts to the landlord, instead of falling to the State.

(*b.*) In regard to contracts already in existence before the promulgation of the Civil Code, such contracts will be upheld subject to the subsequent modifications. The tenant shall have the option of paying in money or kind, where there is no clause to the contrary, and he shall have the right to insist upon an uncertain being converted into a fixed rent. Where the amount of the fine upon sales is not expressed in the contract, it shall be presumed to be a fortieth of the selling price. The contract of sub-emphyteuse will be maintained, but the rights of pre-emption will belong, in the first instance, to the sub-Emphyteuta or the Directo Senhor respectively.

3. 4. The contract of emphyteuse must be consigned to a public instrument, and must be registered in order to effect third persons.

5. Already answered.

6. The tenant may freely dispose of the tenement; but the landlord has a right of pre-emption, and the tenant is bound to give him thirty days notice of the price offered. If during that time the landlord does not exercise his right the sale may go on.

Rent.

1. The payment of the landlord may be either in money or kind at the option of the parties.

2. The rent is regulated by competition, and is payable at such intervals as the parties to the contract may agree upon. In practice the rent is usually paid yearly. There is no hanging gale.

3. The landlord cannot raise the rent, nor (even should he stipulate to the contrary) can he evict for non-payment of rent. Rut he can distrain for arrears of rent and interest, and he may evict where the tenant deteriorates the tenement to such an extent that its value becomes less than the value of the capitalized rent, plus one-fifth.

4. See (B), Rent 4.

Evictions.

As to the law of eviction generally (subject to the modifications stated under (D) Rent, 3), see (B), Evictions.

Improvements.

Inapplicable.

Miscellaneous.

1. There are scarcely any relations between landlord and tenant,—the latter having no obligation except to pay his rent punctually and not to ruin the land.

2. The mode of cultivation is that adopted by small proprietors with whom the foreiros are in almost all respects very much on a par.

3. See (B), Miscellaneous 3.

4. The information furnished in regard to agricultural labourers (see answers to Query A, 9) applies to foreiros in the northern provinces.

5. The prevalent public opinion in Portugal as to the advantages of the system of emphyteuse appears to be that it is of most useful operation as an inducement to the cultivation of waste lands, and as facilitating the acquisition of a beneficial interest in the land by those who would be too poor to purchase the fee-simple. It has been seen how large a portion of the soil of this country is still unreclaimed; and it is believed that there is no method by which the deficiency of capital to bring it under cultivation could be so efficiently supplemented as by this. The system has, moreover, long prescription and popular prejudice in its favour, and it meets with so little opposition in any quarter that many landlords are still found willing to let their lands in this form on receiving a lump sum at the commence of the perpetual lease called luvas or gloves. The disadvantage formerly existing, and which have been enumerated above, have been removed by the Civil Code.

6, 7, 8, 9. See (B), Miscellaneous, 6, 7, 8, 9.

10. The only assistance the tenant receives by law, in endeavouring to become the proprietor of his own holding, is the rule that he enjoys a right of pre-emption whenever the landlord alienates the quit-rent. As to the frequency of such endeavours, or of the desire to make them, I cannot speak with certainty.

11. See (B), Miscellaneous, 11.

General Observations.

Having thus traced, most imperfectly I am well aware, but as accurately as the brief period of time at my disposal, the scanty materials available, and my own limited powers would permit, the salient features of the various systems of land-occupation prevalent in Portugal, I propose to devote the few remaining pages of this Report to inquiring what influence those systems, taken as a whole, have exercised upon the material well-being of this country, and to what extent its actual state contrasts favourably or unfavourably with that of Ireland.

It has been seen that the action of the law in Portugal has tended, even in past times, to the acquisition of a beneficial interest in the soil by a very large proportion of the inhabitants; that at the present moment more than 10 per cent. of the absolute population are landholders, and that the number of these is very nearly equivalent to the number of all other persons actively employed in agriculture, while it is three times as great as the whole number of tenant-farmers. It has been seen that the rural is to the urban population as 3 to 1; that manufactures exist on so small a scale as to employ but a small fraction of the population, and to contribute but little to the aggregate wealth of the community, and that the country must therefore, for long years at any rate, seek prosperity in the development of its agricultural resources, for which a wide field is opened in the seven-ninths of its superficial area, which are still without any species whatever of cultivation. It has been seen that if the relations between the larger landowners and their tenants are not all that could be desired, agrarian discontent and agrarian outrage are unknown. It has been seen that modern legislation favours the class of tenants (comparatively small as that class is); that it encourages, although it does not enforce, the granting of leases; that it does in certain cases enforce compensation for unexhausted improvements, even when effected without the landlord's consent; and that its presumptions, where there is no agreement, or where custom is uncertain, are all to the advantage of the tenant. It has been seen that a cheap and efficient system of land registration is in force, and that loans for improvements are easily obtainable upon the security of land, and upon terms which, having regard to the average rate of interest, are moderate. And, finally, it has been seen that the laws in force tend directly to favour the dispersion of, and free trade in, land.

Under these circumstances it would, perhaps, be only reasonable to anticipate that the Portuguese, if not a wealthy, would be at least a well-to-do community; that their standard of living, solvency, independence, and general circumstances would be a high one; that with a soil of average fertility, an exceptionally privileged climate, and unlimited elbow-room, they would raise not only a sufficiency of food to maintain themselves in comfort, but a large surplus for exportation to countries less naturally favoured; that the population, with no appreciable danger of pressing unduly upon the means of subsistence, would expand rapidly and steadily; that improvements in machinery and in agricultural processes would be eagerly adopted, and that a revenue more than adequate to the

demands of a small State possessed of strong natural frontiers, shut off from the necessity of taking part in any European complications, and composed of an orderly and gentle race of men, would be raised without difficulty and without any sensible hardship. How, then, does the case actually stand? The standard of living and comfort among the rural classes has been already described in general terms, and is such as under the less genial sky of Ireland would be almost too low to support a bare existence.

Assuming, with some of the French political economists, that a mean daily ration of 100 grammes of nitrogenous ("azotés") substances for each individual of the absolute population is necessary to the maintenance of a proper standard of vitality and vigour, it has been calculated that, allowing a considerable margin in excess of the ascertained consumption in this country, the daily ration of each Portuguese (taking into account all ages and both sexes) cannot exceed 57 grammes. This quota must be further reduced on considering how much larger is the relative consumption of food in the cities and towns than in the country, and among the wealthier than among the poorer classes; and if the mean daily ration of these latter is taken at 33 grammes each, or only one-third of the requisite amount, the calculation will even then, perhaps, give a result in excess of the truth. But not only is the consumption of food lamentably below the standard, the production itself is no less deficient. Portugal has never, within living memory, grown sufficient corn for her own frugal wants; and the present annual deficiency of her cereal crops is calculated to be equal, on the average, to the total yearly consumption of Lisbon. The increase in the population, again, is so slow, that it is calculated it would take more than two centuries and a-half, at the present rate, to double itself. As regards agricultural improvements, with the exception of the adoption here and there of a few French and American ploughs, and of the more liberal use of manure, the processes here are much the same as they were two hundred years ago. The state of the finances is still more deplorable. A constant and increasing deficit, amounting now to more than a third of the revenue; an enormous floating debt, much of which has been raised or renewed on the most usurious terms; an expenditure which admits of no sensible reduction; an unelastic revenue, all attempts to augment which in any proportion to the outgoings have been frustrated by that "ignorant impatience of taxation," which is, perhaps, more fully developed in this than in any other country in Europe; a system of taxes which is evaded systematically by the rich, and which presses with frightful severity upon the poor. Such are some of the elements of that chronic financial crisis, which is the curse of Portugal and the despair of her Statesmen.

Some materials, I venture to think, for a comparative estimate of the actual state of prosperity as between the two countries will be found in the foregoing rapid survey of the present condition of Portugal, by those who are familiar with the corresponding facts in regard to Ireland. In further elucidation of this part of the question I beg to subjoin a Table, the figures in which are, for the former country derived mainly from M. Ribello da Silva's work so often cited, and for the later from "The Statesman's Year Book for 1866."

		Portugal.	Ireland.
Area—English square miles		34,573½	31,874
Population*		3,986,558	5,798,967
Population to square mile		115⅓	181
Area	acres	22,125,358	20,391,131
Area under tillage†	„	3,222,883	5,672,980
Acreage under wheat‡	„	618,985	279,863
Acreage under oats	„	29,652	1,869,918
Acreage under potatoes	„	33,356	1,039,282
Acreage under green crops ..	„	165,250	1,475,535
Meadows and pasture lands ..	„	494,200	..§
Total number of cattle		523,248	3,257,309
Total number of sheep		2,417,049	3,363,068
Total number of pigs		858,334	1,056,245
Total number of horses		69,749	564,361
Total value of live stock		£6,670,000	£30,085,082
Taxation per head of population		£0 19*s.* 1*d.*	£1 3*s.* 5*d.*

From the foregoing Table it appears that Ireland, with a smaller superficial area, but with a far denser population, tills a much larger part of her soil than Portugal; and must

* Portuguese Census of 1864, and Irish Census of 1861.
† Exclusive of 741,300 acres lying fallow.
‡ Besides 769,716 acres under Indian corn.
§ I have not been able to ascertain the acreage in Ireland of meadows and pasture lands—a most important element of comparison.

raise from that part an amount of corn still larger in proportion; since, though I am ignorant of the average yield from seed in Ireland, it must far exceed the average of Portugal, which from wheat is not more than six or at the outside seven fold. The total number of live stock raised in Ireland is enormously greater than the number raised in Portugal, and the annual value of the live stock in the former country is more than four times the value in the latter. As regards taxation, the two countries are nearly on a par, and both are lightly taxed; but it may be doubted whether, taking into account the real wealth of either, Ireland has not the advantage in this respect also.

With the inferences to be drawn from the foregoing statements it would be presumption on my part to deal, and any such inquiry, while it would undoubtedly be beyond the scope of this report, will be most easily made by those who are best acquainted with the copious statistics and the mass of evidence which have been accumulated upon the subject of land tenure in Ireland. It may perhaps be submitted with some confidence, that the laws which now regulate land tenure in Portugal are on the whole wise and equitable; and if the results have not as yet been more encouraging, I am anxious to guard myself from any appearance of taking a pessimist view of the future effects to be anticipated from them. It must be remembered that a generation ago vast quantities of the land were held in mortmain or tied up under entails; that the burdens upon the land were infinite in their vexatiousness; that there were no roads—and no popular education; and that the large and bold reforms which have since been carried out in all these respects, are only now beginning to come into efficient operation. An intelligent interest is now being steadily developed in all questions of rural economy; the stagnation and indifference of centuries is gradually yielding before the spread of enlightenment and the increased intercommunication of persons and ideas due to the improvements effected in travelling; and there is, therefore, no reason to doubt that Portugal may yet attain the high degree of prosperity to which her ample natural resources and the amiable character of her people certainly entitle her, and which will then be founded on a surer basis than she possessed even in the apparently vast resources which marked the proudest days of her old Colonial Empire.

(Signed) GEORGE BRACKENBURY.

Lisbon, December 4, 1869.

No. 16.

Sir C. Murray to the Earl of Clarendon.—(Received December 15.)

My Lord, *Lisbon, December* 10, 1869.

I HAVE the honour to inclose herewith to your Lordship copy of a despatch which has been addressed to me by Mr. Doria, Her Majesty's Secretary of Legation, transmitting a Report upon the laws and customs affecting the tenure of land in Portugal, in accordance with the instructions conveyed to him in your Lordship's Circular despatch of the 26th of August.

I have, &c.

(Signed) CH. A. MURRAY.

Inclosure 1 in No. 16.

Mr. Doria to Sir C. Murray.

Sir, *Lisbon, December* 10, 1869.

I HAVE the honour to inclose to you for transmission to the Earl of Clarendon my Report on land tenure in this country.

The materials for writing on such subjects in Portugal are very limited, which renders the task more difficult than in other European countries where statistical returns published by the Government afford a ready means, easy of access, for procuring the necessary facts, and one on which reliance may be placed as to their correctness. Such returns are, however, in most instances entirely wanting in Portugal, and I would therefore avail myself of your kind medium to invoke and throw myself on Lord Clarendon's indulgence to excuse any want of information in my present Report, on a subject having reference to the important question of land tenure in Ireland, in which instance it is my great desire to

furnish information which may be of use to Her Majesty's Government, in their deliberations on this question.

I have, &c.
(Signed) WM. DORIA.

Inclosure 2 in No. 16.

Report by Mr. Doria on the Laws and Customs affecting the Tenure of Land in Portugal.

I OUGHT to premise this Report with the following remark, viz., that my inquiries have necessarily been confined almost exclusively to the tenure of land in the Province of Minho, a superficies of about 648 square miles.

In this province land is nearly all held under one system of tenure called emphyteusis, a system represented as favourable to the interests of the tenant, productive of increase in the population favourable also to the extension of agriculture, and containing within itself incentives to exertion to stimulate the tenant or farmer to render the soil as productive as possible.

The inhabitants of the province are calculated at about 1,000,000, or a fourth part of the inhabitants of the whole Kingdom. It is the most cultivated province in Portugal, and one in which the least poverty is said to exist.

In speaking of the system of emphyteusis, which divides the tenure of the land into two rights, I have adopted the appellation of proprietor for the possessor of the soil or first right, who receives an annual rent for his interest in the land, and the name of perpetual tenant I have employed to designate the possessor of the second right or power over the land, to cultivate, or make use of at pleasure. The term generally used is "casero," or farmer, but possessing, as he does, a right over the land, he is also called proprietor, and is easily confounded with the proprietor of the first right; by making use of the term perpetual tenant it at once distinguishes him from the first proprietor, making a distinction also between him and tenants under ordinary leases, and designates at the same time that the tenure spoken of is emphyteusis.

To the proprietor, however, the tenure emphyteusis is a source of much trouble and vexation, and does not consult his pecuniary interests, which arises from the extremely small division of property and the consequent large number of perpetual tenants. My informant stated that he had no fewer than 500 tenants, and that so numerous a tenantry produced an annual income of about 1,600*l.* Many of them pay a rent of 2*l.* or 3*l.*, others only a few shillings.

Near Vianna, in the same province, the same gentleman informed me on a property belonging to him of about a kilometre square, there were twenty-two tenants, the land yielding twenty carts of Indian corn, worth on an average 100*l.*, or 5*l.* the cartload. Of these 500 tenants, with rare exceptions, the most wealthy would not have a larger income than 80*l.* per annum, half of which would be expended on the tillage of the soil; the rest would serve for the maintenance of himself and family. From a farm of this annual value the proprietor only receives 12*l.* rent. There are, however, very few perpetual tenants in such satisfactory circumstances.

One of my informants stated that in the Minho there are not more than 500 persons out of a population of about a million who, as perpetual tenants, do not possess a small bit of land, frequently with a house, paying perhaps only a few pence rent. The perpetual tenant-right had been obtained probably two or three centuries ago, and when obtained was far from the town or village which had extended and brought it within its limits.

Much uncultivated land of such a description still exists in the Minho, virtually belonging to the Crown, but which the Corporations lease at a very small rent under the system emphyteusis; my informant added if the country was properly governed no instance of extreme poverty or destitution ought to exist in the Minho, and that only in cases of sickness or infirmity.

To judge, however, from my own observation the peasantry appeared poor and exposed to hardship. I learnt from statements I received that they rarely or never taste meat; their dinner consists of "caldo," or soup made with a little pork fat or lard, beans, and cabbage. The bread is made from Indian corn and rye. The wine is made from their own vines. At breakfast farm servants are given a salt daigne or backala salt fish. The women's dress is often made from a mixture of wool and linen woven by themselves.

The recent changes effected by the Government in the system of the tenure of land in Portugal are singularly adapted, and apparently expressly framed, for the benefit of the finances of the State.

Every opportunity is seized to necessitate the transfer of land, and a fine of 10 per cent. is exacted, payable to the Government on the sale of it. In legislating on the same subject this material point has steadily been kept in view, thus the registration of landed property, and the mortgages connected with it, is strictly required by law; the Government stamp which is affixed on these occasions is another source of revenue to the State.

The extinction and dispersion of old estates ensuing from the law in force has been sought for rather than prevented; there is a direct movement towards democratic institutions, to which all measures of the Legislature for some years have tended. It was accounted for to me in the following manner:—

A class of men have found themselves excluded from the honours and privileges of the old aristocracy, in whose possession the great proportion of the landed estates of the country existed, the first step towards removing this barrier of exclusion was to insure the dispersion of landed property, which in many instances the large debts of the aristocracy rendered easy. The abolition of the right of primogeniture and other reforms introduced by the Codigo Civil continue to promote the movement.

With regard to land tenure in the other provinces of Portugal, that of Beira is nearly the only other part of the country in which the system of emphyteusis prevails to any extent. In Alemtejo the land is let on lease, and there estates of much greater extent are to be met with. For instance, an estate recently sold in that province was purchased for 80,000*l.* sterling.

The value of a "foro," that is, the right vested in an estate by a perpetual tenant, is generally calculated at twenty-five times the annual amount he pays to the proprietor.

Another blow dealt against the agglomeration of landed property is the abolition of Prasos de Vita, a sort of right of primogeniture belonging to the system emphyteusis, which the perpetual tenant possessed, that is to say, a right which allowed a property to be left as an undivided inheritance for three generations. This privilege the Codigo Civil has for the future done away with.

In conclusion, I should state that I found a want of knowledge on all subjects of inquiry relative to comparative statistical information. I have, as far as lay in my power from the inadequate means of research I possessed, answered the questions which form the inclosure to Lord Clarendon's despatch, the substance of which I gathered in conversation and from personal observation during my short visit to the Province of the Minho.

To a work by Senhor Rebello da Silva I am indebted for the opinions on land tenure in general in this country, which forms the second and concluding part of my report. From the Portuguese Government I have not been favoured with any information.

The persons to whom I owe the information I gathered during my stay in the Minho, and to whom the question of land tenure in Ireland did not appear to be foreign, expressed an opinion that the system of emphyteusis was calculated in many respects to meet the exigencies of the question in Ireland; but, though candidly admitting the advantage derived from that system to the perpetual tenant, the flourishing state of the Province, admitting also the large amount of population in proportion to the rest of the kingdom, all benefits attributed to that system, they did not conceal that to the proprietor it offered many great disadvantages.

The real superiority of the system is most apparent in instances of reclaiming large tracts of uncultivated land.

(Signed) WM. DORIA.

Answers to Queries.

In the Province of Minho the system of land tenure is nearly exclusively confined to the system called emphyteusis.

PERPETUAL TENANT OR SMALL PROPRIETOR.

1. The quantity of land held by each is very small and very much intersected.

2. The owner can select his heir to inherit one-third of his property, the remainder is equally divided among his other heirs or children. Formerly, an estate under emphyteusis could only be sold, entire, and the heir selected by the proprietor was often necessitated to do so in order to meet payment of the remaining two-thirds of the property. The Codigo Civil has altered the system, and allows an estate to be sold in portions.

3. The legal method of sale is by application to the Finance Department of the municipality, from which, on payment of 10 per cent. on the value of the estate to be

sold, a certificate is received, and subsequently the contract of sale is drawn up by a public notary, by whom, in the presence of two witnesses, it is signed. The contract must be registered by the constituted authority of the municipality to secure its validity.

4. The Government does not lend money. A bank under the name of Banco Predial, established with the Government sanction, advances money at 7 per cent. on land mortgage, subject to the condition that the property should be of twice the value of the amount advanced; 1 per cent. is retained for amortization of the debt. The Bank of Portugal, in Lisbon, that of Minho, of Oporto, and the bank called "Utilidad Publiga" also lends money on the same conditions.

5. Properties in general are heavily mortgaged paying 9 and 10 per cent. There are of course exceptions.

6. The registration of landed property is strictly enjoined by law. There is a Government office for registration; all mortgages are required to be inscribed in the register. To this system the Bank Predial owes its security, that an estate on which it advances a loan has no anterior debts upon it. Expenses of registration amount to about 4*s*.

7. On land not very dry, rye and Indian corn are grown year after year, allowing a grass crop after they have been cut; to vary the crop potatoes and onions are sown. Rye which requires much manure is often followed by a crop of flax. Cabbages are much cultivated in the grass fields, a species brought from Galicia, growing 5 and 6 feet high. The same plant is preserved for a length of time, from which only the leaves are gathered. In the Minho no wheat is grown, it is imported from the Southern Provinces. No regular system for alternation of crops seems to be adhered to.

8. Machinery is unknown as a substitute for manual labour in agriculture. Little enterprize is manifest in the country. The poor husbandman cannot afford outlay; the richer is indifferent and hords his money.

Female labour is largely employed, as much as 50 per cent. The village of Tifa, near Vianna consists entirely of female population, the men returning at stated periods of the year. Women perform the offices of the men in all agricultural labour throughout the Minho.

Male labourers' daily wages, without food 200 reis or 1*s*.; ditto with food, 6*d*.; female abourers' ditto, without food, 150 reis (9*d*.); ditto with food 4½*d*.

9. The annual number of emigrants is said to vary greatly, 2,000 have been known to go to Brazil in one year, to which country emigration from Portugal appears to confine itself; the annual average number may be stated at 300. The hope of realizing a fortune is the cause principally assigned, and to the excessive aversion existing against military service, to escape which the peasant not only leaves his country, but voluntarily mutilates himself to avoid the conscription, in such abhorrence the service is held owing to the Government failing to fulfil its engagements as to length of service and pensions.

10. The perpetual tenant, otherwise called proprietor, lives on the land which he cultivates, or in a house or cottage adjacent to it.

11. I saw none equal to the rank of, and living in the comfort of an English farmer. They are poorly clad, and are more in the position of a labourer than of a farmer as regards their outward circumstances, compared with farmers and labourers in England.

13. The system of emphyteusis is stated to be beneficial in its results as regards the extension of agriculture, and tends to augment the population; it was, I believe, popular alike with the proprietor and perpetual tenant. The introduction of the reforms emanating from the Codigo Civil are certainly not agreeable to the richer and the higher classes of old proprietors; the changes introduced have a direct effect in disseminating landed property, assimilating it to other articles of commerce, necessitating its purchase and sale as frequently as possible. The sub-division of property naturally facilitates and increases the recurrence of such sales, and the legislation takes every occasion to render such sales obligatory, thus placing within reach of the less wealthy the acquirement of land, from which the poor man would otherwise be debarred. The measurement of land by its extent is unknown, not heard of. The value and its extent is calculated by the number of cart-loads of corn which it produces. With regard to population the nearest calculation I could obtain, gives about 1,500 inhabitants to the square mile.

Sub-Tenants.

Sub-tenants were formerly permitted on property under emphyteusis. The Codigo Civil has abolished that permission, and has also ruled that accumulated rent after five years, if not demanded by the proprietor, is forfeited to the tenant. The system of registration for contracts on lease of property, as already explained, is enforced by law at a Government office.

5. The perpetual tenant remains by right in occupation of his holding so long as he punctually pays to the proprietor the annual rent-charge.

Under other systems the tenant cannot, in opposition to the landlord, continue to occupy his holding, longer than the term expressed in the lease.

6. The perpetual tenant can, with the consent of the proprietor, sell his interest in the land; the purchaser and proprietor remain in the exact position and relation to each other as existed between the former perpetual tenant and himself. The mutual consent of both is also requisite to enable the proprietor to sell his interest in an estate.

Rent.

Emphyteusis admits of great variation with regard to payment of the proprietor, which is regulated by mutual agreement. Sheep, pigs, poultry, vegetables, are often added to the more weighty payments, in corn or money, by express stipulation. Sometimes a share of the produce only is stipulated for in other cases, but rarely payment is made in money. In regard to leases not emphyteusis, the rent, as regulated by the Codigo Civil, is settled by agreement between the proprietor and tenant.

3. Under emphyteusis the proprietor has no power to raise the rent, a provision in favour of the tenant introduced by the famous Marquis Pombal. On non-payment of rent the landlord can evict the perpetual tenant, whose right in the land is sold by auction. Under ordinary leases the landlord can raise the rent at will, subject of course to conditions stated in the lease. Such instances rarely occur.

4. Legal means for recovery of rent under emphyteusis, is, application for judicial permission to sell perpetual tenant's right over the land.

Under other systems the law permits the proprietor to distrain for the rent, when the tenants goods and chattels are sold. Sixty days previous to rent day notice must be given if the landlord intends to discharge the tenant. The landlord, before all other creditors, possesses the privilege of the first charge on the estate.

Evictions.

It is usual for the proprietor to wait for his rent until the harvest is over to enable the tenant to realize the money necessary to meet the payment. Evictions are not unfrequent owing to irregularity in paying the rent.

Improvements.

Under emphyteusis improvements are executed by perpetual tenant, as he alone reaps the benefit of them. Under ordinary leases express stipulations regulate by whom they are to be incurred. The tenant is obliged to plant if the proprietor furnishes the trees.

2. The tenant can reimburse himself for money laid out on improvements which have been effected with consent of the proprietor, by retaining the expense from the rent, or by continuing to hold the farm until he is indemnified by the proprietor.

5. Perpetual tenants have the same facilities of obtaining loans from the Banco Medial as the proprietors, and from other banks already named in my Report. Other tenants are almost excluded from doing so from the nature of the conditions required by the Banco Medial.

Miscellaneous.

The relations between landlord and tenant are friendly. No case of murder by a tenant of his landlord is on record. The Codigo Civil has in some instances legislated for the benefit of the tenant; it has, for example, reduced the fine paid by the perpetual tenant to the proprietor on the sale of his interest in the property to $2\frac{1}{2}$ per cent., which fine formerly consisted of one of the four following sums, 20 per cent., 10 per cent., 5 per cent., or to $2\frac{1}{2}$ per cent. The new law, though it has reduced the fine, has, however, imposed the tax of transmission amounting to 10 per cent., to which must be added the expenses of registration, amounting to about 4*s*.

(Signed) WM. DORIA.

Part II.

Agriculture in Portugal is carried on under different systems of tenure, depending on the extent of land and the produce cultivated, the principal of which are the following:—

First, when the proprietor cultivates his land on his own account.

Secondly, when the proprietor lets his land to a tenant for a fixed time at a fixed rent.

Thirdly, when the proprietor and tenant, conjointly, cultivate the land under an agreement, varying according to the land and its produce.

The fourth system is that called "emphiteutico," when the proprietor divides the lordships in two rights—the right of possession and that of cultivation, and cedes the latter for an annual rent-charge.

All these systems offer both advantages and disadvantages, depending on the locality and the habits of the country. The Codigo Civil, promulgated in 1867, by legislating on these matters will simplify many difficulties which it is desirable should be done away with. There is, however, in these four systems enough to arrest attention in the hope of arriving at a state of improvement which they are susceptible of.

In cases where the estate is small, everything leads to the conclusion that the proprietor should himself cultivate the land, uniting the characters of capitalist and farmer.

When the estate is large, this arrangement possesses disadvantages. The proprietor is perhaps rich, and has not the aptitude requisite, his pleasures and other occupations interfere, in which case an agent is better employed.

Short leases of three years, for example are not beneficial. The fact of their being short tends to extinguish in the farmer all desire for the improvement of the estate, and creating in him an apathy arising from a want of personal interest in the amelioration; a farmer will not risk laying out money under such conditions; longer leases would tend to the progressive improvement of the soil. With regard to securing the interests of the proprietor, it would be sufficient to insert a clause for renewal of the lease at an increased rent in proportion to the increase of produce. The proprietor and farmer equally benefited by the increase of produce from the estate, would, therefore, be natural friends.

The great problem in every system is, to obtain as much profit as possible with the least expense in the shortest time; stipulations and guarantees should be made and given against impoverishing the soil, and for its improvement.

The necessity of finding a just means for remunerating the farmer for money expended on improvements is not so easy. Perhaps if leases were granted for thirty years, with a clause for an increase in the rent after every seven years, ths proprietor would obtain his share of the improvement while the farmer would be secure of reaping also the same benefit for a number of years.

The Codigo Civil, in treating the question of leases, lays down general rules with clearness. Its sanctions any arrangement the contracting parties may wish to agree upon, except in cases when the estate is in trust, as a marriage settlement, or belong to minors, or to persons unqualified to act for themselves. When no term is specified in the lease, it is understood that it is for the term usually known in the country; when doubt exists on that point, the lease is reckoned for such a time as may be requisite for once sowing and reaping the produce of the estate.

The farmer, when the length of lease is undetermined, on wishing to quit the farm, must give notice sixty days before expiration of the agricultural year. The proprietor is bound by the same rules.

The farmer cannot advance a claim for diminution of rent on account of bad season or failure of crops.

The Codigo Civil legislates for all the provinces, even where special customs were in use.

The conjoint system of farming consists in the proprietor affording the land on agreement of receiving a portion of the produce. On the death of one of the contracting parties, the heirs are not bound by the contract. The farmer, however, has a right to reap the fruits of the current year unless the heirs of the proprietor consent to give a fair remuneration. The farmer is bound to give notice to the proprietor before he gathers the crops. The farmer is bound to supply seed for sowing, unless stipulation is made to the contrary. The most difficult point in the conjoint system is the division of produce for payment of rent in kind. Fraud on the part of the farmer is of frequent occurrence, which necessitates a watchfulness on the part of the proprietor which also becomes vexatious and oppressive. Nevertheless, there are circumstances where the system can be carried on with advantage notwithstanding its known imperfections; for instance, when the absence

of capital renders the association almost a necessity to avoid rural poverty, the proprietor affords funds for drainage, irrigation, planting, &c.

In Bavaria this system is very general, and attended with most profitable results. Emphyteusis, as already explained, is a double right—that of possession by the proprietor, that of cultivation by the second proprietor or perpetual tenant. If the emphyteuta, or perpetual tenant, wishes to sell his right of cultivation, he must obtain the consent of the proprietor, who has the priority of right to purchase it, if he wishes, on condition of paying the sum offered by any other purchaser; on sale of his right in the estate by perpetual tenant a fine is paid to the proprietor, which varies according to original contract. The emphyteuta has entire power over the land, to do with it what he pleases, on condition of payment of the annual rent.

Formerly emphyteusis was limited to one, two, or three lives, with or without a clause providing for renewal of contract. The renewal was considered an act of generosity on the part of the landlord or proprietor. Modern law has in this instance favoured the emphyteuta.

A great difference existed with regard to succession of property under emphyteusis. Thus while property not under that system of tenure could be divided amongst the heirs of an estate, property under emphyteusis could only be retained under one proprietor not possessing the right of sub-division, but only that of power to sell in order to distribute and divide its value among the co-heirs. The emphyteuta could select his own heir; if he died without naming his successor, or intestate, the succession followed the general rule.

The Decree of 1832 greatly alleviated the position of the emphyteuta, relieving him from many contributions to monasteries, to brotherhood, &c., and reducing the whole charge to a fixed annual rent and fine on sale of right.

In the northern provinces of Portugal, where this system of land tenure prevails, it is considerad by persons whose opinion is worthy of being received as the cause for the increased population and general prosperity of the country, an increase and well-being, however, which only dates from 1832.

Emphyteusis was a system of great anomalies. The Codigo Civil has laid the basis for reforms which was loudly called for, and if it has not yet brought the system to one form of lease, it has simplified the question.

Legislation has not realized all its hoped-for improvements, and by degrees may make greater advancement, and it would be impolitic by arbitrary measures to do away at once with a system which has for centuries been in force in the northern provinces; moreover, the advantage gained might be counterbalanced by the opposition such a law would meet with. So time must be left the task of carrying out scientific suggestions; while experience teaches that great reforms triumph only when the moment for their adoption has arrived.

(Signed) WM. DORIA.

Lisbon, December 10, 1869.

No. 17.

Mr. Strachey to the Earl of Clarendon.—(*Received December* 21.)

My Lord, *Copenhagen, December* 18, 1869.

I HAVE the honour to inclose my Report on Land Tenure, Agriculture, &c.

The points which I would detach from the whole, as most worthy your Lordship's notice, are:—

1. The Danish Law on Compensation for Improvements;
2. The System for Registry and Publication of Deeds and Mortgages; and,
3. The Danish Agrarian Revolution, now in process.

I must beg to be furnished with a proof, should the Report be made public. Your Lordship will perhaps concur in my opinion, that responsible work of this kind has at least as much need of the author's revision as an anonymous article in a newspaper or review.

I have, &c.

(Signed) G. STRACHEY.

Inclosure in No. 17.

Report on Tenure of Land in Denmark.

Introductory.

THIS Report answers all the questions on the official list, with which I have discovered corresponding facts in Danish legislation and experience. The various data are collected into distinct points of view, on the following plan:—

Part I is a systematic exposition of the Danish laws on tenure, sale and transfer of real property, compensation for improvements, evictions, registry of deeds, sub-division and accumulation of land, inheritance and bequest.

Part II treats of the Danish system of tillage, of the management of stock, of customary modifications of the law, of the position and relations of proprietors, farmers, and labourers, and of other miscellaneous agricultural matters.

Part III is a short history of the agrarian reform now in process in Denmark, whereby the tenant-farmers are becoming the proprietors of the soil; it notices the chief concomitant circumstances, political and social, of the said reform, and sums up its results.

In view of comparisons with Irish and English questions I would specially fix attention on these points.

1. Danish legal practice (I may almost add theory) grants the tenant-farmers something like a concurrent ownership in the ground. Such right is enjoyed by them collectively as a class, not generally as individuals. Almost every incident of leasehold tenure is affected by the Statute Book. Leases, compensation, and evictions have been incessantly the subject of minute legislative precaution.

2. Under an ancient system for registering and publishing contracts, the titles and encumbrances of every field in Denmark may be immediately ascertained by intending purchasers and mortgagees.

3. During the last forty years the tenemental farms of the kingdom have been in process of conversion into freeholds, which change, now nearly completed, has been effected by the joint action of public opinion and permissive legislation.

4. The new freeholders are substantial yeomen holding sixty or seventy English acres where the soil is good, more where it is poor.

5. The freeholders and the leaseholders of the old class, with the smaller peasant proprietary and the agricultural labourers, have now a majority in the Folkething, or Second Chamber, where many peasants themselves sit.

6. The "peasants' friends" are the so-called democratic party of the country. Their programme includes, besides several articles of political, economic, and religious reform, the conversion of the remainder of the tenemental farms into freehold property.

7. The consciousness of his altered relations to the soil and the State appears to have exercised a salutary social and moral influence over the Danish peasant.

8. But looking at all the circumstances of the case, and, in particular, to the fact that the latter stages of the agrarian movement have been connected and coincident with a great constitutional change, it would be rash to assert that the recent extension of freehold tenure and the recent improvements in Danish agriculture make a sequence of cause and effect.

As the subject of this Report is a burning one here, I forego the pleasure of thanking by name several distinguished persons, political, legal, and agricultural, who have helped me with information and advice.

The first chapter was compiled almost exclusively from my own analysis of the original ordinances and laws. The chapter on agriculture, &c., is based on explanations given me by the best authorities, and on my own observations. The historical chapter is derived from private communications, books, reviews, pamphlets, and newspapers; the literature of the freeholder controversy is extensive and important. I can safely say that my own opinions as given in the Report were formed after the facts had been collected and not before. Many of them are, in fact, the reverse of those at which I should have thought myself likely to arrive.

Appended to the Report are Tables of population, crops, animals, tenure, &c. The figures in the text are generally in round numbers.

[Danish readers will be good enough to note that the writer is not yet thoroughly acquainted with their language, and that he had not above six weeks at his disposal for the preparation of the Report.]

Chapter I.—Legal.

(A.)—*Tenure.*

Danish estates of the old type bear an apparent likeness to the Manors of our Domesday Book. Whereas the Norman and (under other names) the Saxon. Manor, was divided into (1) demesne and (2) tenemental lands, the Danish "Sœdegaard," or Family Seat, consists of (1) the "Hovedgaard," or demesne round the mansion, and (2) the "Bönder gods," or portion occupied by small farmers.* Between the demesne or tenemental land the law has drawn a fast line, keeping the two species of property rigorously apart by ascribing to each separate rights and obligations. The "lord-drot," or lord, of an unentailed estate, may sell or lease his demesne as he thinks fit. But his proprietary rights over the tenemental lands are so conditioned as to give the occupants a kind of joint ownership in the surface of the soil. According to the Code 1683 of Christian V, the Danish Justinian, a Family Seat should lie near or amid tenemental farms rated in all at 200 "Tönder" of "Hard corn," say 2,000 acres.† The "Sœdegaard" had special fiscal immunities, and its owner was not bound by the regular law of bequest. The rule of area above given was not always observed, and it has been modified by later legislation. There may be 600 of these estates, which, however, are now rapidly dwindling in size owing to the conversion of their tenemental farms into freeholds. But if their part in the Kingdom's theoretical "Hardcorn"‡ be diminished, their importance is, on other grounds, considerable; and a clear comprehension of their position in law is an essential preliminary to an understanding of Danish agrarian questions.

A "Sœdegaard" may be a freehold in fee-simple (I use this expression as the nearest English equivalent), or an estate in tail. If entailed, it may belong to the "Stamhuse" (1), or to the Fiefs (2). The "Stamhuse" (1) correspond in part with our own entailed estates. As the Danish law knows no "fine and recovery" the entail cannot be legally barred. But the Crown has in some cases allowed the conversion of such estates into money trusts, and in others removed the entail. The lands, as well as any personal property tied up with than by the Fidei-commissary band, must descend in perpetuity as a family possession, to be enjoyed after the manner indicated by the founder's deed. The usufruct commonly follows the rule of primogeniture. The Fiefs (2), or estates of the Counts and Barons (thirty-two in number), have all been created since the establishment of the Absolute Government in 1660. They enjoy certain privileges, legal and other, and descend by primogeniture. On failure of the line they revert to the Crown.

The constitution of 1849 forbids the erection of fresh entails, and promises that estates of *this* class *shall* be converted into free property. No Bill has yet been passed in such a sense. The Government exercises a certain control over entailed estates, taking care that the usufruct is held according to the founder's intentions. By a recent

* A glance at the etymologies of the chief technical words used in the Report will, I think, facilitate the comprehension of a difficult subject.

"Hovedgaard," either "head-house ("gardr," in Icelandic, is house, hedge, inclosure), or farm ("curia capitalis"), or a "gaard" attached to the "hov" or temple. "Hoveri" ("corvée") was probably in its origin the service due to the priests of the heathen "hov."

"Bonde," peasant, is referred to "bo," house, and "boe," to dwell (Icelandic, "bû," and "bûa"). Before towns existed, every free man was a "boende" (participle) or "bonde," in opposition to the mere "trœl," and the more elevated "Jarl," or King's man. The more powerful peasants were "storbendr," or great peasants, which phrase is still applied to the great landholders.

By degrees the word "bonde" and its associated terms were narrowed in use. The tenemental farmer, now "fœster," was "landbo" (Latin, "colonus"); his farm was "landbostavn" ("colonia;" modern Italian, "colonia," or métayer farm). The peasant (in English history, the copyholder) of the demesne, was "gärdsœden" ("inquilinus"); he was the forerunner of the modern "huusmand," or labourer. Above these was the freeholder, or "adel-bonde" (Latin, "bundo"), the "selveijer" of our times.

As the "bonde" degenerated into thraldom, his name began to connote ideas of inferiority and servitude. The word is now once more an honourable title. Freeholders and farmers are "little peasants," great landholders "great peasants." In law, the "bonde" is anyone, of whatever social rank, who owns an estate of 10 acres of land, at least, and 120, at most.

† Compare this rule with the Anglo-Saxon rule (or custom) that a Thane's estate should be of 5 hydes, or 600 acres, with a house and church. I am informed by the first authority on such points, that in ancient Kent about one-third of each manor used to be in demesne; say, one ploughland in demesne, and two and a-half ploughlands held by socage tenants.

‡ In the Danish cadastre, or "matrikul," all the land of the Kingdom is rated for fiscal purposes according ot its capacity for produce. Arable of the best or normal class is marked 24, the worst 0, an infinite number of fractional ratios connecting the extremes, so as to admit of every field in Denmark being fairly taxed. Of the 24 land, 7,200 square ells, or $5\frac{1}{7}$ tönder of land (1 acre equal to 0·75 tönde) are supposed to be able to produce 1 tönde of hardcorn (rye and barley: 1 tönde of grain equal to 3·87 bushels); therefore 12 land would have $10\frac{2}{7}$ tönder of land for 1 of hardcorn, and so on. For pasture land, hay is the measure of capacity; for common, the potentiality for feeding animals; for wood, the number of swine. In Jutland, 15·4 tönder of land is the average to 1 of hardcorn, equal, in the islands, which are more fertile, to 8·8 tönder of land. The proportion usually taken for rough calculations is 10 tönder of land to 1 of hardcorn.

law the tenemental lands of entailed estates may, in a way prescribed, be converted into trust monies—a point which will be explained hereafter.

I pass from the "Sœdegaard" as a whole, to the "Hovedgaard" (1), or demesne, with which the owner of an unentailed estate may deal as he pleases. This part of the property formerly enjoyed considerable fiscal immunity, being said, in consequence, to be "free earth;" it is still, as a rule, exempt from tithe.* The "Hovedgaard" is never split up into separate farms. When it is leased the legal relations of landlord and tenant are entirely dependent on the contract. Neither side has any rights or obligations as regards the other, except such as derive from express agreement. Granted, *ex absurdo*, the absence of a written lease, the law makes no presumptions whatever, in favour of, or against, either party. The *onus probandi* falls on the raiser of the disputed point, and proof is not easily established by the complainant. If, however, a manorial tenant die before the expiration of his term, his heirs inherit the lease unless the landlord notifies that he resumes the farm. The lease of an entailed manor is, properly speaking, broken by the owner's death, but the Ministry of Justice does not insist on the observance of this restriction.

Attached to the "Hovedgaard" are the "Böndergaarde," or peasants' farms. These farms may not exceed 120 acres,† and must have a mininum area of from 10 to 15 acres. Every farm is necessarily kept apart from the demesne, and let to a separate tenant on a lease for his own life and that of his widow. This species of tenure is supposed to have been common in Denmark at the date of the issue of the Code of Christian V (in 1683). That Code forbids the "Jorddrot" to throw tenemental farms into the demesne, and the language of later laws is distinctly tantamount to the admission that the peasantry as a class, (not generally, of course, but collectively) have a claim to continue on the soil as long as they comply with certain conditions of tenure fixed not by the landlord but by the State. It is a matter of dispute whether or not the "Fœstetvang," or obligation to lease on two lives, was a positive legal fact enforced by penalties, to the exclusion of other shapes of tenure, before the issue of an Ordinance of the year 1790. However, that may be, the existing law is so jealous of infringements of the "Fœste"‡ principle that when any "Böndergaard" is converted into a freehold, twenty years must elapse from the time of its purchase before it may be let otherwise than on the two lives system, or on the fifty years' tenure named immediately below.

When the farm of a "Bonde" becomes vacant, the landlord must assign it to a new tenant within a year and fourteen days. The exceptions are:—

1. If no tenant offer a fair rent, and the landlord can establish the fact, he may, under severe restrictions, parcel out the vacant "Gaard" amongst adjacent farms.

2. The landlord may turn the farm into lots for labourers.

3. He may turn it into plantation, on condition of building two houses, and giving each a small piece of ground.

4. He may absorb it into the demesne, on condition of giving up an equivalent of demesne in exchange.

5. He may sell the farm, or convert it into a base freehold called "Arvefœste," which will be described hereafter.

6. He may lease it for fifty years certain, and so doing he is not subject to the general rules of the "Fœste" system. This plan has been growing common of late, and to prevent its abuse the Government has just presented a precautionary Bill to the "Folkething."

On exception 5 I should remark that Danish legislation shows traces of a disposition, till lately, it is true, only intermittent, to encourage the great landholders to sell the farms held on life tenures to their occupants. Just 100 years ago they were invited to move in this sense (see Chapter III), and allowed to diminish their peasants land without compromising the fiscal immunities of their demesnes. In 1854, under circumstances to be related below, a Bill was passed authorizing the sale of the tenemental farms of entailed estates, the proceeds being, with a fractional exception, convertible into trust-money. Bishop Monrad's Bill of 1861, gave all proprietors of "Böndergods," entailed or not, the right, when they had sold nine tenemental farms to the occupiers, or his heirs, to take into their demesne as much peasants' land as might be equivalent to one-ninth of the quantity sold. This rule is generally thus stated—that whosoever sells nine "Fœste" farms may take away the tenth farm from the "Böndergods."

* Country tithes are "Royal" (before the Reformation, "Bishop"), "Church," and "Priest." The two first kinds have been to a great extent impropriated by sale or gift.

† The technical figures are 12 tönder of hardcorn at most, and 1 tönde at least. My explanations will generally give the equivalent (necessarily a rough one) in English acres.

‡ The verb "fœste," in old legal language, means to conclude a bargain with a shake of the hand. The noun means the lease with all its incidents.

The general relations and liabilities of landlord and tenant will be described under the separate heads of—

a. The inspection.
b. The rent.
c. The assignment, forfeiture, and termination of leases.
d. Complaints and evictions.
e. Improvements.

(*a.*)—*The Inspection.*

1. When the landlord and the new tenant have come to a preliminary understanding, two "impartial persons" are called in, one by each party. These persons attest in writing the state of the farm, buildings, and soil. In case of need they may name an umpire; should he be unable to make a report satisfactory to landlord and tenant, the district magistrate has to appoint two more persons for the work, and these may be put on oath. If the landlord considers that improvements are immediately required he must undertake them himself.*

2. The "impartial persons" likewise examine, and appraise in a catalogue, the beasts, implements, and seed, which the law requires the landlord to supply. Should the inventory note a failure of quantity or quality the "Fœster" need pay no rent until his wants are supplied. Both the report before-named, and the inventory, are appended to the deed of lease.

(*b.*)—*The Rent.*

This falls into "gilde," or yearly payment, and "indfœstning," or sum down. The "gilde" is a first charge on the land, as against mortgages or other claims. It is a small rent in money or in kind, or both. If in kind (which would be chiefly rye and barley) it may be commuted at rates officially calculated from the average market prices of grain ("Kapitelstaxt") and published every year. The "indfœstning" is a large sum (say from one-third to one-sixth of the value of the farm) the amount of which, like that of the "gilde," is decided by the parties themselves. The landlord may let the farm by auction, but custom does not allow him to do so. The "Hoveri," or "Corvée," formerly a supplement to the rent, has been abolished, and new contracts for services of work are illegal.

(*c.*)—*Assignment, Forfeiture, and Termination of Leases.*

The contract is twofold. It includes the "Fœsteaccord," or provisional agreement, and the lease itself. To the lease, which is in duplicate, are appended the above-named report and inventory. The lease may be forfeited if the tenant neglects to pay the rent, or to reimburse the landlord for the land-tax, or to keep the farm property up to the mark described in the inventory. Also, if he sublet any part of his land, or sell hay or other fodder so that the ground suffer for want of manure, or abuse the turf or timber, or stir up the farmers against the landlord, or assault him with word or deed. The lease may be determined at the will of the landlord, should he, having no house of his own, wish to live in the tenant's "Gaard." Also, if the "Fœster," by reason of advanced age, and certain other grounds, should be unable to continue on the farm. Should the tenant's widow desire to give up the farm she can do so on terms more favourable to her than to the landlord.

(*d.*)—*Complaints and Evictions.*

On complaint being made to the Sub-prefect, or Civil and Criminal Magistrate,† an attorney is appointed to defend the tenant gratis. For minor breaches of his contract, especially on a first or second offence, the tenant may be fined. Should the case be one of damage to the buildings, land, or stock, the Magistrate sends two persons to make a survey. If they find the landlord's allegations to be true they fix a time within which the

* I have thought it best to give all these rules in the lump. They have grown up gradually. They will be mainly found in the Laws of 1787, 1838, and 1861.

In Denmark every civil suit must necessarily pass through the "Compromise Commission" before it is laid in form. The Commissions are named by the Local Municipalities and Prefect's Councils: they have had a very great influence in preventing useless litigation: a contract confirmed by their authority is treated as an effective and authorized public document.

† Denmark is divided into "Amter" (Prefectures), and these into "Herredsfogdereier" or "Birker" (Sub-Prefectures). The "Foged," or Sub-Prefect is the District Civil and Criminal Magistrate. Appeals lie to the Superior Courts of Viborg and Copenhagen, and, in the highest instance, to the Copenhagen Supreme Court.

tenant must remove the cause of complaint. Should the tenant be recalcitrant, the case comes before the court in form, and the Sub-prefect finally gives an order for eviction. On special occasions the landlord may move the Magistrate to evict the tenant at once, upon which a trial must immediately follow. Unless the landlord make out a good case the tenant has a right to be re-instated. Rent is due on 1st May and 1st October. Neglect of prompt payment is a *primâ facie* ground for eviction. But the tenant may obtain from the Magistrate a delay of four months, and no complaint obtains if payment has been made before the case is called.*

(*e.*)—*Improvements.*

The outgoing tenant, or his heirs, may claim compensation for all improvements *whatever* effected by him which have added to the marketable value of the farm. If the parties cannot agree, two arbitrators, as before, compare the previous report and inventory with the actual state of the farm, giving in a written valuation of the improvements, and taking into account the advantage which the tenant may be presumed to have himself derived from his expenditure. After thirty years from the execution of great, and ten from the date of small, improvements, no claim for compensation is allowed.

The tenant must make good all damages done to the farm by fire, weather, &c. But should the house or buildings be destroyed, the landlord must give him building timber gratis, and the parish is required to afford general help. If both the tenant and his wife die within thirty years from the date of their taking possession of the farm, their heirs are entitled to a pecuniary drawback equal to as many thirtieths of the "Indfœstning" as their years of enjoyment of the lease fall short of thirty. This does not hold if the lease be regranted to one of the said heirs.†

A tenant intending to make large improvements in the ground or buildings must give notice to the landlord in order that a survey may be held on which to base eventual claims for compensation.

Next the "Sœdegaard" is so-called "Avlsgaard," or "Ladegaard," which may be said to derive from it. This exceptional species of estate may have been derived from the accumulation of peasants' farms, or it may be a manor without any such farms, or a manor on which the owner does not reside. It is subject to the legal rules applicable to land of the category to which it belongs in virtue of its origin. If, for instance, it be in the nature of demesne (which, I presume, would be the common case), the law has nothing to say on the subject of its tenure.

Another kind of property is the "Huus," which word in Danish means not only a house, but also an estate too small to be ranked as a "Böndergaard." The house may not have over about 1 "Tönde" hard corn (10 to 15 acres of land), tradition, local usage, and other considerations to which I need not refer, being taken into account in defining the position of a doubtful estate.

Of a house, with or without land, the owner may dispose as he pleases, but a written lease is obligatory; the presumption in default of such, after six months undisturbed occupation, being that the lease is on two lives. When the last-named species of lease is granted, the relations of landlord and tenant are almost identical with those already described under the "Fœste" law as applied to peasants' farms. Services of work may not be stipulated in the lease: but as a separate arrangement, unconnected with the rent, and if not undertaken for more than a year at a time, they are lawful.

If a "Huusmand" who has a lease on lives neglects to pay his rent, or otherwise commits a breach of his contract (see under "Böndergods") he may be warned to quit on any 1st of May after six months' notice given. If he refuses to leave he may be evicted by the police, having a right of action for damages against the landlord with a claim for a trial. A "Huusmand" who is a tenant-at-will must have six months' warning before the 1st of May; tenants-at-will, and for years, have no claim to a free trial in case of law proceedings.

Land may also be held in "Arvefœste," or hereditary tenure, of which relation there are two species:—

1. "Arvefœste" simple, where the lease is to the tenant and his heirs for ever, in return for a quit-rent, the estate escheating to the owner on failure of tenant's heirs.

* These legal provisions have very little practical application. A great landholder told me that he had once heard of a "Fœster" being evicted, and that he himself had turned out one labourer, or "Huusmand," with the Magistrate's help. Of this more hereafter.

† These provisions for compensation seem fair and practical, but owing to the length of the lease and other causes which will be duly stated, they are more interesting on paper than valuable in use.

2. "Arvefœste," with right to sell and mortgage. This tenure seems to be like that of the so-called "tenant-right" estates of our border country. The landlord is a perpetual rent-charger, receiving an annual payment of grain, and a certain relief whenever the ground passes to a new owner.

The second of these kinds of tenure is very common. In Danish discussions it is always assumed to be equivalent to fee-simple, a fact which should be borne in mind.*

(B.)—*Sub-Division and Accumulation.*

No estate in Denmark, large or small, can be parcelled without permission from the Minister of the Interior. The strict rule is, that when a "Gaard" is broken up there must be reserved one lot of at least 25 acres of first-class land. Farms of less than 25 acres may not be subdivided, except under very special circumstances; one lot of 10 to 12 acres must always be reserved. When demesne is subdivided, there must be told off for separate sale or occupation, as many lots of 80 acres as the feudal owner owed knight-horses for military service. For building, lots of 2 acres may be detached from an estate, and any lot, however small, may be cut from a farm when the intention is to cede it to the owner of a contiguous property, or to annex it to a house which has no land. Before a motion for the so-called "Udstykning" can be lodged at all, a number of formalities have to be gone through, amongst which I may notice the preparation of a map of the ground to show the exact nature of the division proposed. This is insisted on as a precaution against the parcelling being done in strips, and to ensure a division into squares or other suitable shapes of ground.

It should be unnecessary to remark that these rules do not bear on the life-leasehold farm. Neither do they apply to the "Housemen," whose small lots may, in a general way, be subdivided *ad libitum*.

As the requisite formalities are rather expensive, their existence acts as a slight check on subdivision. The right of accumulation is at present so free that it may be described as unlimited.

(C.)—*Registry and Reading of Deeds.*

Since local lawyers point with reasonable pride to their system of registering and reading, as a model which the legislators of other countries might copy with advantage, I shall briefly trace the history of a Danish contract. There can be no complete seisin of lands without a deed of sale or gift. Such deed must contain an exact description of the property, its place in the Cadastre, its rate in "Hardcorn," the price paid, or, if there be no sale, its computed value. The deed is delivered by the buyer to the Under Sub-Prefect of the district, who verifies the text, asks for proof that taxation is not in arrear, and calls for payment of the Court's charges. This official reads the deed in open Court, at the next weekly session, *in extensò* or otherwise; makes entry in the Court's journal that such a deed was read on that day, and certifies the same on the document. The paper is then copied into the Protocol of Deeds and Mortgages, and noted in the Register of real property. For every district in Denmark there is kept a threefold register of all estates, large and small, belonging thereto. The 1st Division gives the size, place, &c.; the 2nd is historical, showing changes of ownership; the 3rd gives the mortgages on the estate, with statement of any other circumstances that may affect proprietary rights; and references to every instance when the property has been the subject of a "Thing-lœsning,"† or Court-reading.

To those whom it may concern, the Clerk of the Court delivers, on demand, written attestations on the matters relative to the contents of the register, so that intending purchasers or mortgagees are completely protected against risks arising from imperfect information. The whole process of registry and conveyance costs from 1 to 3 per cent. on the purchase-money.

This system can be traced back to a law of 1550. It applies to every sort of contract, and by its use Denmark is saved from those permanent certainties of swindling

* "Arvefœste" of the second species seems to me to resemble the Roman Emphyteusis; but the Danish "Emphyteuta" has absolute power to alienate. The Danish system may also be compared with Sir Arthur Chichester's settlement of the Plantation of Ulster.

† "Thing" is any assembly, judicial or political. Saxo Grammaticus translates "concio."

and collapse which characterize British commercial civilization. A small newspaper devoted to the "Thinglœsning" publishes, at regular intervals, a record of the contracts registered and read throughout the kingdom, so that the progress of speculative enterprise is easily watched and measured.*

(D.)—*Inheritance and Bequest.*

The fundamental principle to be noticed under this head is:—

That a testator may, in general, dispose of one-third of his entire property, real or personal, the remainder being of necessity distributed in equal portions to the heirs, male and female, of his body.† This rule secures to each heir two-thirds, for certain, of the lot due to him as *ab intestato*, the division, where there is no will, being in equal shares.

If the Danish law has done so much for the creation of peasant freeholds, it has also recognized as a desirable object that large estates be kept in single hands, and in the families of their original possessors. The owner of an unentailed "Sœdegaard" may leave half his property to any one of his heirs, in which case he can freely dispose of one-fourth (indeed, of one-third) of the rest of his estate, the remaining three-fourths following the common rule of inheritance. But the favoured heir must, nevertheless, give the other claimants compensation for their shares reckoned on the usual foot. Again, if the proprietor of a "Sœdegaard" die intestate, the sons may reserve his real estate, on condition that they give their sisters, if any, full money compensation for the land of which the brothers have deprived them. In the Island of Bornholm a singular customary law of inheritance prevails. The youngest son, on compensating the other children, may take the estate.

The owner of a freehold "Böndergaard," be he of the peasant class or not, may leave his property according to a special set of rules, from which I am content to extract the chief circumstances. These are—

1. If a "Bonde" have no heirs of his body he may leave his estate (animals, tools, &c., inclusive) away as he pleases.
2. He may leave all to any one of his heirs without restriction as to sex.
3. He may fix the compensation to be given by the favoured individual to the deprived heirs.
4. A testator who favours a single heir (rule 2) can only bequeath, *ad libitum*, one-eighth of his entire property, real estate included.
5. The owner of two or more farms may not make a cumulative bequest.

These provisions are crossed by checks and counter-checks connected with the wife's right to control her husband's testamentary dispositions in cases of communion of property. But into such details, lying as they do *inter apices juris*, I do not presume to enter.

The last-named rules of bequest apply likewise to owners in base freehold, viz., to the "Arvefœstere," whose tenure was recently described.

Part II.—Agricultural.

[For Tables of acreage, crops, animals, &c., see Appendix.]

Although Denmark has some time since emerged from the mediæval, or three-field, system of cultivating arable land, the tillage is still too uniform in character to convey the idea of a high pitch of agrarian civilization. Culture is not everywhere monotonously the same; but a rotation of crops closely approximating to that known as "the Holstein" is very commonly followed. This method, with or without modifications borrowed from English or Scottish practice, will be found in vigour on the great manorial farms, on the peasant properties, and even on the labourers' small holdings. The land is divided into several marks, or parts, each of which is separately tilled according to a certain cycle. To give reality to my description, I shall state the plan followed on a large freehold farm in

* "Thing-lœsning" is not necessary to make a lease binding on the contracting parties, but it is essential as against the rights of a third party. A deed which has been read extinguishes a deed which has not been read.

† Children of a deceased son or daughter take the parent's share.

Zealand, where I took down the details from the peasant's mouth. The estate was of 125 acres, of which 95 acres were cultivated in seven marks after this rotation :—

1st year .. Rye (twice manured).	5th year .. Oats.
2nd „ .. Barley.	6th „ .. Clover.
3rd „ .. Potatoes and turnips (manured).	7th „ .. Clover and half fallow.
4th „ .. Barley.	

On the remaining 30 acres, which were inferior soil, the rotation was different :—

1st year .. Oats.	5th year .. Barley.
2nd „ .. Fallow.	6th „ .. Clover.
3rd „ .. Rye.	7th „ .. Clover.
4th „ .. Potatoes and turnips.	

As there were some exceptional circumstances connected with this farm, I add two other average specimens of Danish rotations—the first (and worst) being for six years, the second for nine years :—

1.

1st year .. Fallow.	4th year .. Oats.
2nd „ .. Winter corn.	5th „ .. Clover.
3rd „ .. Barley.	6th „ .. Grass.

2.

1st year .. Fallow.	5th year .. Barley.
2nd „ .. Winter corn.	6th „ .. Clover.
3rd „ .. Barley.	7th „ .. Grass.
4th „ .. ⅓ peas, ⅓ beans, ⅓ vetches (all manured).	8th „ .. Grass.
	9th „ .. Oats.

The Danish farmer is too fond of a stereotyped rotation, and the fallow is generally excessive. The fine season in spring and autumn is so short here that it is often difficult to prepare the ground properly when crop immediately succeeds crop. But, in face of the increased value of land, and its improved condition, the amount of fallow ought to be on the decrease, whereas it appears that the quantity taken from the arable is now often one-sixth, instead of one-ninth, as formerly.

Jutland is the chief grazing country: on the islands, which have a drier and warmer climate than the peninsula, the culture of cereals predominates. There are generally two successive marks of grass: the first year is of red clover, the second year will be chiefly of the various grasses sown with the clover. The clover is often short and thin, from its too frequent occurrence in the rotation, and from the ground being insufficiently manured. From the abuse of clover and the shortness of the rotations, it frequently happens that an acre of land will only yield two loads of hay.

The management of cereals is on a fair footing. Danish wheat, especially that of Lolland and Moen, is said to contain more gluten than English wheat; and in England the Danish grain sometimes fetches, *cæteris paribus*, a higher price than our own. The barley is not quite so good as the wheat: it is cut too early, and the grains are not round and full enough.*

The general defects of Danish farming, besides those already named, may be as follows:—

There is a want of due recurrence of leguminous crops; potatoes, turnips, carrots, beetroot, rape, hops, hemp, and other plants used in industry are far too much neglected; the ground is insufficiently cleaned; sowing is not done in rows. The natural manure of the farm, solid and liquid, is very generally wasted. Marling is practised everywhere, but artificial manures are less used than they should be. As a sample of their scale of consumption, I may mention that in 1868 the farmers of Jutland took 2,500 tons of phosphates (the salt preferred in the peninsula). A society is now being formed there for the importation of phosphates from England on a large scale. Not more than one-twenty-fifth part of the land under cultivation has been drained. Of the draining done a considerable part is ill-executed, both as regards depth and general plan.

* The ordinary yield of wheat per acre is said to be 28 bushels, which is about the English average. Wheat is said to return 10 fold; rye, 10 to 11 fold on islands, 6 to 7 fold in Jutland; barley, 10 to 12 fold; oats, 6 to 10 fold; leguminosæ, 6 fold; potatoes, 80 to 130 sacks per acre; turnips, 450 to 700 cwts.; clover, 40 to 48 cwts. The weight conditions of Danish grain were, for the harvest of 1869, as follows:—Wheat, 66 lbs. English; barley, 59 lbs.; rye, 62 lbs.; oats, 44 lbs.

Steam-engines do not exist except on the great manorial farms. Travelling engines are let on hire near some of the larger towns. The only agricultural machines (horse or hand) in common use are the chaff-cutter, the dressing, the sowing, and the winnowing machines. Threshing-machines are not common; reaping-machines very rare; mowing-machines, drills, draining-ploughs, are almost, if not absolutely, unknown. There is in all Denmark one steam-plough. The swing-plough (often drawn in Jutland by oxen) is used everywhere, also the Swedish harrow.

Amongst the peasant farmers, who, as I cannot too emphatically explain, are the grand productive force of Denmark (as far as quantities are concerned), there is a good deal of prejudice against machinery: the thresher, *e.g.*, being supposed to spoil the straw. A peasant candidate for a seat in the Second Chamber lately used Luddite language, declaring that he was in favour of laying a tax on machines.

Many machines are made in Denmark (at Copenhagen, Horsens, &c.) after English and American models. Competent Danish authorities assert that the country is more advanced than Germany in respect of machines, while they grant a certain backwardness in comparison with Sweden. The badness of the carts used in Denmark at once strikes the least observant eye.

The horned cattle of Denmark are of two distinct races. The Jutland breed gives good butchers' meat. These beasts are the descendants of the ancient cattle of Scandinavia; they are short-legged and have a piebald hide. The Angle (in the parlance of English buyers, the Holstein) breed approximates to the shorthorn type. These last are brown or roan beasts, which, in their own country, have a scraggy, starved look. But they are capital milkers; as the Danish proverb goes—"Angle cow gives her last fibre to the milk-pail."

In Denmark the manorial farm is always a centre of agricultural civilization.* The peasant very often profits by the bulls of the "Hovedgaard;" good judges declare, however, that the breeding is seldom well managed as far as regards selection. The cow has her first calf in the second or third year, not before November or December, and not later than February. The period named also follows from the general conditions of Danish culture: Cattle are seven months in stall; in the field from the 15th May to the 15th October (about.) There is no stall-feeding in summer. In the stall the cow may get from 3 to 6 lbs. Danish (one-tenth more than our measure) of barley and oats per diem, 1 to 2 lbs. oil-cake (for fattening, 4 to 6 lbs.), 30 to 50 lbs. of mangold, 8 to 10 lbs. of hay. There is a tendency to overdo the grain, and to give too little oil-cake. The cultivation of rape has fluctuated of late, but the import of oil-cake is increasing; green fodder is deficient. The art of fattening is ill-understood. Danish attention and capital is more and more being drawn to cattle and dairy produce.† The stalls are nearly on the Dutch plan, but have not the luxurious and clean refinements of Holland. The average "Bonde" farm of 60 acres would have twenty cows and calves, two-thirds of them giving milk. Reckoning by weight, as the more exact method, the annual yield of milk of the peasant's cow may be from 3,000 to 4,000 lbs.‡ The larger manorial farms may have 200 cows, whose produce would be at per cow from 5,000 to 6,000 lbs., say 160 to 200 lbs. of butter. Many of the manorial dairies are fitted with all the most approved appurtenances, including steam-churns, &c. In them weights, measures, tests, and thermometers are freely used. Further, the statistics of each cow are every day chalked on a board which hangs in the stall. It is objected to the Danish dairy practice that the milk is poured into too shallow pans; that the cellars are ill-ventilated and lighted; that the milk is imperfectly cooled. Cream and butter (I do not say in Copenhagen, but as got in a country-house) are both excellent; yet the butter of our Guernseys has no Danish equivalent. The cheese is made from skim milk, and is no better than the common Dutch Frison cheese. Some large proprietors make Gruyère cheese; and I have heard of an enterprising dairy-woman going to England to learn the arts of Chester and Cheddar. In this connection it remains to remark, that the cattle exported from Denmark to England are lean or half fattened. Resident foreigners find great fault with the Copenhagen meat. Their complaints are well-founded, but the butchers declare that there is no regular demand here for a first-rate article.

Of the Danish sheep-farming not much need be said. On some "Hovedgaard" farms there may be flocks of 500 to 600 merinos. The peasant will almost always have a few

* As a single symptom of this fact I may mention that "Herregaard Smor," *i. e.*, manorial butter, fetches a higher price than peasant's butter.

† See, in Appendix, Table showing diminishing export of cereals.

‡ All butter produced was calculated in 1866 to be from 50,000,000 to 51,000,000 lbs.

From want of attention to the imports as well as the exports exaggerated notions have been passed into currency about Denmark's surplus of animals and butter. (See Table in Appendix.)

sheep of the local breed, which has a cross of the Leicester. On good land the number would be five or six for an average farm of 60 acres; on bad land, 20 or 30. Fineness of wool is less studied than quantity. Mutton is not in fashion for the table. The Danish sheep, like the cow, is tied to a post before the harvest, and afterwards runs free; he is generally a poor neglected animal. In the islands the lambs are as numerous as the sheep: in Jutland only half as numerous.

The horses of Denmark are of a very common description. They are heavy and slow, and altogether inferior to such breeds as Suffolk, Clydesdale, and Percheron. The crossings are injudiciously performed.

Of lower animals I need take no account. The pigs alone are of a certain importance, smoked and salted pork being the meat in daily use with the agricultural classes.

Returning to the culture of the ground, it must be observed that the arts of garden industry have yet to be learned in Denmark. The vegetables, fruit (except apples), and flowers, the kingdom is a long way behind. The spade is generally neglected. The "Huvsmand" tries to farm his small holding as if it were a great manor farm, instead of growing tobacco, hops, rape, &c., and useful roots. Here, if anywhere, is the plague spot of Danish tillage.*

The advocates of production on the grand scale may derive many arguments for their views from the case of Denmark. Except in a very few special instances none but the large manors inspire comparisons with superior farms elsewhere. On these alone is the business of agriculture transacted with adequate means, intelligence and zeal. The superficial observation of travellers has sometimes fancied likenesses between Denmark and England. But the circumstances and aspect of the two countries, their social and intellectual characteristics, are, in truth, utterly dissimilar. Danish types of things and persons differ *toto cœlo* from English types, so that the same scale will not measure both: it is only in a loose way that a Danish manor can be compared with a first-rate English farm. There are 1,750 manorial farms and "Avlsgaarde," which, however, only make up one-eighth of the kingdom's hard-corn. Their average size is 370 acres: 500 of them have an average area of 400 acres each, the farms on the islands being larger than those of Jutland. The "Hovedgaard" is always farmed as a whole. The cultivator is either the owner, or a gentleman farmer belonging to the upper classes of society. The lease is usually for as many years as the land is divided into marks, the average numbers being, say nine or twelve; for seven marks, the lease, however, would be for fourteen years. All the relations of landlord and tenant are governed by the lease, which is always minutely particular as to the manner of cultivation, terms of payment, &c. There is no "Indfœstning" or deposit, but the landlord generally expects to receive, or to have guaranteed to him, a sum of caution-money equal to one or two years' rent. The cost of improvements is generally met jointly by owner and occupier. Quarrels between owner and tenant may occasionally arise, but such cases, when serious, are often settled in Denmark by the farmer finding a substitute who takes his place. Subletting, as already explained, is not legal, unless by agreement. Good manorial land is rented at from 18*s.* to 1*l.* 5*s.* an acre; the selling value would be, per acre, from 23*l.* to 35*l.* A net profit of 3 per cent. would be thought handsome, but few amateurs could reach that figure.

Important though the manor be as an influence and example, the "Böndegaard" is the characteristic farm of the country. The peasant's farms, freehold or leasehold, may be compared for area with the farms of the west coast of England, its average size being 60 to 70 acres. There are 70,000 of them, of which nine-tenths are of the new freehold category, the whole making up three-fourths of the Kingdom's "Hard corn." One Danish "Böndergaard," or peasant's farm, is, as I imagine, very like another, be the tenure leasehold or freehold: it would be unsafe to say that in Denmark the "magic of property," to borrow the classical phrase of Arthur Young, "has turned gardens into deserts." There is always the same single-storied quadrangle, one side of which is formed by a brick house with roof of straw or sedge. The barns and granaries are extensive and good; the outhouses, stables, stalls, &c., are often dingy and dirty. The house has from four to six low uncarpeted rooms, a kitchen, and provision cellars. The furniture is of cheap mahogany; the walls may be papered, and ornamented with an occasional engraving or lithograph; the glass and crockery are of a fair sort. The universal use of iron stoves

* There are, so to speak, no forests in Denmark, and the wood used for fuel is mostly imported. Timber has been, and still is hitherto neglected. The law forbids the buyer of a forest to cut down trees for sale until ten years have elapsed from the date of his purchase. The pine is a mere geological tree, and is no longer indigenous; it was succeeded by the oak, which again gave way to the beech. The Danish hedge is an immense bank, with poplars sometimes growing on the top. Mere fences are not approved. Commons have almost entirely disappeared.

instead of fireplaces gives the rooms a dreary look to an English eye; there is small luxury or comfort within, nothing picturesque, smiling, or trim without. The average farmer may own from 8 to 10 horses, a few sheep, and 20 cows (cost 7*l.* to 8*l.* a head); the implements have been mentioned above. His food is meat soup, rye bread, common vegetables, and smoked salt pork (the Danish equivalent of bacon), beer, the brandy of the country, and, when he lives near the sea-coast, fish. The farmer may have one unmarried servant of from 25 to 30 years of age, a boy of 15, two women servants, employing besides one "Huusmand," or labourer, who lives at his own home. When the labourers are fed by the farmer, their fare is generally the same as his; on the smaller farms, labourers, servants, and farmer sit down to table together. The fish would be in change for pork; two glasses of brandy are allowed; the maximum wages for the men servants would be from 5*l.* to 6*l.* a year.

In the "gaard" of one of the small freeholds I found a pianoforte, upon which the daughters of the house played in creditable style; but this circumstance, so I was told, might be considered quite extraordinary. I was taken to visit (and missed) a learned tenant farmer who has formed a valuable collection of the relics of the stone age; but the Danish "bonde" does not often study the conjectural archæology of pre-historic Scandinavia. An average English farmer would utterly disdain the house, food, clothes, and husbandry of the simpler Danish peasant, who, in his turn, would despise our countryman for his feudal notions, and for his dependence on a landlord's will. The "bonde" (as will be seen in detail below) is an advanced politician, respectable, and upright, being, as a rule, not indisposed to religious impressions and practice, and on the whole moulded in a more substantial, characteristic stamp than the Danish townsman. The Danish "bonde" is prudent in marriage, and does not take a wife until he expects to be able to support her. The freeholder often leaves his land to his daughter, a practice fertile of matrimonial speculations to which the peasantry are so prone. The heir would probably have to give a mortgage on the farm, in order to raise the portions due to brothers and sisters. There are in Denmark four societies of the "Crédit Foncier" class, and the local savings' banks also lend money on mortgage. The rule of the credit societies is to lend half the full value of the property at 4 per cent. for interest, with 1*s.* 8*d.* per cent. for expenses, and 7*s.* 8*d.* for sinking fund. But the advance is in the societies' paper, which at present stands at from 10 to 15 below par (100). The savings banks' rate is abont 4 per cent. on deposits, and 4 per cent. is charged for money lent on mortgage. Speaking generally, that part of the land of the Kingdom which can be hypothecated is mortgaged up to 40 per cent. of the value. Many life tenants on becoming freeholders have paid down one-third of the price of the farm, giving the seller a mortgage on the land for the remainder, the rate being commonly 4 per cent. According to the usury law, which is generally evaded, 4 per cent. is the highest interest allowed on real property mortgages.

The official statistics of emigration are very incomplete. The best authorities vaguely assert that the younger sons of peasants are often disposed to leave the country if they can take with them a capital of 1,000 dollars, or 112*l.* This tendency is variously ascribed to the high price of small lots of land, and to the spirit of enterprise. The emigration of the "huusmand" class, which is said to be growing more frequent, may be the result of their unsatisfactory, or, as some authorities say, their deteriorated position.*

The laws affecting leases, improvements, and evictions have been duly analyzed. The question of the forfeiture of leases has had no practical importance for the last twenty years. The life tenants are now well off, and they are besides grown too strong for the landlords. The law of improvements, so large on paper, is much narrowed in practice. For the tenure amounts to a lease for fifty or sixty years, the claim for compensation lapsing after thirty or ten years, according as the improvement is great or small. Then the tenant is generally succeeded by a relation, in which case, of course, no compensation would be demanded.

The permission to sell life leases by auction is of no value to the landlord, who is compelled by usage to let his farms to the children, or other relations of the last occupier. This limits his power of raising the rent, which nevertheless has been rapidly rising of late years. Owing to the division of the rent into "Indfœstning," money "Gilde," and payments in kind, it is impossible to give even an approximate notion of its rate: the deposit may vary from one-third to one-fifteenth of the value of the "Gaard."

* The emigration returns for last year give the emigrants from Copenhagen at 511, from Denmark at 3,848, all for the United States. For the purposes of this Report these figures (and no others can be obtained) are useless.

The nett return from a well managed peasant farm of 60 acres ought to be 5 or 6 per cent. The general and local taxation on the land amounts to about 3*s.* 2*d.* an acre.*

The new freeholder does not let his land. He is allowed to do so, but twenty years must elapse from the date of his purchase before he may grant a lease otherwise than according to the "Fœste" system. That period passed he would lease his farm in the way usual for manors.

It has been explained in the first chapter that the law of Denmark withholds the name and quality of "Bonde" or peasant, from all proprietors or occupiers of land whose holdings are of less than about 10 acres; that in practice it is hard to trace the frontier line between the "Bonde" and the "Huusmand," who is the tenant or owner of a house with or without land attached. There may be 137,000 of these housemen, of whom nearly one-half have, on an average, 4 or 5 acres of land, one-quarter lots of less than an acre, the rest having mere fractions of soil, or none at all. The holdings are often less important than they look on paper, for some of them, especially in Jutland, may be uncultivated ground. At the top of the stratum of Housemen are a few who, being employed in fishing, or otherwise driving an accessory business as carpenters, coopers, blacksmiths, &c., approach the position of a "Bonde" of the poorer sort. But the "Hunsmand" is, on the whole, if a freeholder, the equivalent of the ordinary Prussian peasant, if a leaseholder the equivalent, in spite of his land, of the English day labourer. He can very seldom subsist on the produce of his holding, and has to work for hire; 25 acres being, I imagine, the minimum of land here sufficient to support a family. Two-thirds of the housemen are freeholders, the rest being tenants on two lives or at will. The freeholders are rather more prosperous than the leaseholders. The houseman marries young and has a larger family than the peasant. Where his labour is remunerated by a money payment alone, his wages range from 3 to 4 marks a day, say 7*s.* 6*d.* to 10*s.* a week. This last is perhaps an exceptional figure. When the employer provides the food, the wages may run from 2*s.* 6*d.* to 5*s.* a week. At harvest, beer and brandy are given extra; sometimes a house is taken instead of part of the money wages. Danish peasant women are unwilling to work out of doors, but they may help at harvest time, also occasionally in weeding and other light work; their wages would be two-thirds of what is paid to men. The work time is twelve or thirteen hours in the summer, and in winter as long as daylight lasts. Boys begin to work when they are ten. At that age they look after sheep and geese getting food; and, perhaps, some clothing in return. Girls do not work until after their confirmation, viz., at fourteen and fifteen; they also mind geese, &c.

Allowing for differences of type I cannot say that the houseman is much worse fed than the Somersetshire labourer, although wheaten bread and bacon must, in themselves, be better victuals than rye bread and cold salt pork. The Dane has very fair bedding: in the winter the women spin: here and there a houseman has a loom which may weave linen and other stuffs for the villagers. Some of these domestic manufactures are of good quality, but the process is of doubtful economic advantage. The Danish rustic is far worse clothed than the Englishman, and above all far worse housed. Iron stoves are universally used; they warm a small room quickly and cheaply, but their heat is stifling and stupefying. The lamentations raised amongst ourselves over the Somersetshire† and Dorsetshire labourer are in all points analogous to the lamentations raised here. There is, however, this important point to be noted, that Denmark has no Yorkshire or Cumberland, political philanthropy having, besides, hitherto much neglected the labourers' question. I must add that a certain sanitary difficulty is solved here in a very archaic fashion. Housemen, yeomen, and servants are persistently guilty of the offence against which Moses so emphatically warned the chosen people.‡

The average houseman (5 acres of land) has a cow, with two or three pigs and sheep. As he persists in practising the grand culture, he has to arrange with a neighbouring farmer for the hire of horses, the price being taken out in labour. Although the houseman is of necessity a poorer and humbler man than the peasant farmer or freeholder, the social separation of the two classes is not very palpable. A houseman may marry the daughter of a "Bonde," the best of proofs that the spirit of caste does not much tyrannise over the rustics of Denmark. But this state of things will hardly continue now that the peasantry

* About 22*l.* per acre is a good, 30*l.* a high, price for free peasant land. But a farm was lately sold in Jutland for 100*l.* an acre; and for small pieces of ground double that price may have occasionally been given.

† I compare with Somersetshire, which county I know, as representing the nadir of English agrarian civilization. A very competent judge here, to whom I lent a Somersetshire newspaper which contained an article on the local "labourers' question," remarked that the whole description was applicable to Denmark.

‡ See Deut. xxiv, 13; and compare a passage in Goethe's "Italian Journey."

are the ruling power of the State. It is almost impossible for the houseman to emerge from the position in which he begins life, although he may occasionally obtain a seat in Parliament. The downward current, however, is perceptible enough. The sons of a "Bonde" may frequently be forced to descend to the occupations and rank of a "Huusmand."

The labourers' problem has not, till recently, much engaged the attention of Danish landlords. It is now becoming the fashion to build model cottages, to set on foot benefit societies, to organize relief funds, and otherwise to imitate the habits of English rural philanthropy. Such good work is wanted, for while the "Bonde" has been rapidly rising to prosperity or affluence, the labourer has stood still; if, indeed, he be not, as many persons allege, in worse plight than before. The charges for the relief of the agricultural poor are on the increase; the present yearly sum expended by the rural communes on this account is about 120,000*l.*, that is to say, about 2*s.* per head for the country population.*

I shall conclude this chapter by mentioning an advantage which distinguishes the Danish from the English rustic. At seven years of age the little Dane must go to the free parochial school, which he may not quit till he is fifteen, except special proficiency be shown. For the first three years there are four school days a-week in summer, and two in winter; afterwards two days only in summer. In case of unjustified absence a fine of three-farthings a time is levied on the parents or other responsible person. It is often difficult to get the elder children of the labourer to attend, especially in summer; but, on the whole, the system works well. In the country schools, the instruction embraces religion, reading, writing, arithmetic, gymnastics, and orthography; a little history, geography, and singing, is often added. The school is managed, and its expenses are defrayed, by the commune; if there are above 100 scholars, two masters must reside. The schoolhouse and its fittings may not, as a rule, come up to English notions of proper scholastic luxury, but I can personally testify that the immediate results of the teaching are excellent. A "Bonde" of the better sort will often desire to give his children a superior education. To meet this want there have lately been founded by private liberality, in recent years (1857–68), a number of popular high-schools (55 with 1,800 pupils), partly under the influence of the so-called "Grundtvigian," or congregational religious movement. The course is for two years; it includes Scandinavian history and literature, the elements of general and exact science as applicable to agriculture, besides elementary agricultural instruction. The schools are very cheap,—say about 12*l.* a session,—and, if appearances do not deceive, admirably calculated to exercise civilizing and stimulating influence over the rising generation of Denmark. As far as I can judge, the whole educational machinery of the Danish Kingdom is practically, not merely statistically, efficacious. It strikes me as no inconsiderable proof of this position, that there is on the Sound and Belts a certain spontaneous current of occasional culture. Denmark is not Germany. The things of mind are not here reserved as the mysterious appendage of an inner professional class.

Part III.—Historical.

The accounts given by native historians of the agricultural state of Denmark in the middle of the last century almost passes belief. Potatoes, clover, and several other important plants were unknown. Wheat was only cultivated on Laaland and Falster; hemp, flax, rape, and mustard, scarcely anywhere. The population was at a standstill, or on the decline. The peasants' farms had been taken wholesale into the manors for want of tenants to occupy them. The nobles were abusing their power to the utmost, especially their territorial jurisdiction, which they exercised with atrocious rigour in a kind of Court Baron, where the judges were often the lords' own footmen and coachmen. But about a hundred years ago a better state of things began. Parallel with the rise of the French Physiocrats there appeared in Denmark a School of Economists, headed by Pontoppidan, whose writings opened a way for the land reforms instituted and suggested by foreigners like Reverdil, the Bernstorfs, Stolberg,† and last, though by no means least, the enlightened and unfortunate

* Indoor relief has hitherto been the rule in Denmark; but workhouses are now being set going. Besides the regular parish relief there is generally an auxiliary system supported by voluntary contributions, which are poured into a common poor fund. The Danish law of settlement is analogous to our own.

† This Count Stolberg was brother of Goethe's travelling companion of various repute.

Struensee. In 1761 Count Stolberg counselled the emancipation of the peasant farmers of one of the Royal properties. The peasants were granted hereditary tenure on a quit-rent "Arvefœste," their "corvée" being commuted to a cash payment, an example followed on the estates of the city of Copenhagen. Soon the Crown domains were sold wholesale, partly in order to raise money for an expected war with Peter III of Russia, the farms being in some instances bought by the tenants. A law of 1769, in which I conjecturally trace the hand of Reverdil, encourages the great proprietors of the soil to sell the farms of the "Böndergods" to their occupiers. In a preamble which reads like a chapter from a political treatise by some advanced thinker of the 19th century, the legislator declares that the feeling that a man is bestowing his labour on his own land is the best spur to agricultural industry and progress. Wherefore the law grants that the enjoyment of the privileges attached to a "Sœdegaard" shall henceforth be independent of the quantity of peasant earth attached thereto, thus removing a main stumblingblock from the way of proprietors who might be disposed to sell their tenemental farms. After the fall of Struensee there occurred a short period of legislative reaction, but to the influence of Guldberg soon succeeded the enlightened endeavours of Count Reventlow and the younger Bernstorf. Under the Regency of the Crown Prince Frederic,* a complete series of land reforms was carried out. Measures were taken to do away with the intersection of properties. More Crown lands were resigned to the tenants for a quit-rent. The tie which under the name of "Stavnsbaand" bound the peasantry to the soil was abolished.† The "corvée" was defined; the tithe was lighted and adjusted; corn payments were allowed to be commuted; the housemen were furnished with small allotments. The permission of 1769, which had been withdrawn after the fall of Struensee, was renewed, and the relations of landlords and tenants were regulated afresh in the interest of the latter.

These reforms were followed by a rapid change for the better in the agrarian condition of Denmark. But relapses occurred, one between 1818 and 1826 so desperate that landed property lost more than half its value. At the same time illiberal regulations were passed. The leave to the landlords to sell farms without loss of fiscal privileges was cancelled. Large numbers of the newly-created freeholders disappeared. In 1835 was inaugurated the "Standerforfating," or Representative Constitution, according to which two Consultative Assemblies, one in Jutland, the other in Zealand, were to be regularly convoked. Farmers, both freeholders and leaseholders, got elected to the Assemblies, and the political agitation which followed penetrated downwards. Soon a certain social ferment was remarked amongst the peasants. The "Bonde's" horizon was no longer bounded by corn, cows, and horses. He was heard to talk of equal taxation, services, freeholds, and quit-rents. A newspaper edited by J. A. Hansen began to discuss all manner of agrarian questions. The feudal pretensions and extortions of the landlords were challenged at county meetings, and there were angry debates in the Assemblies. Far from declining the contest the landlords came courageously to the front; as when for instance, in the States of Roskilde twenty-three Danish noblemen and gentlemen stood up to claim the right of flogging their rustic women dependents. One nobleman warned the Estates that there would be an end of all things if a "Bonde" were allowed to catch fieldfares on his farm. Another nobleman ordered a peasant to be fined for addressing the gardener of the manor-house as "Thou." It almost seemed as if the iron collar, the wooden horse, the Spanish cape, and the rest of the engines of the mediæval rustic torture might one day be again brought into use.

But the middle ages did not revive. The peasant found allies outside their own ranks. When the Government sided with the aristocracy, and issued a circular denouncing agrarian agitators, and forbidding meetings to be held without the permission of the police, some men of the middle class came forward and organized the society of "Bondevenner," or "Peasants' Friends," whose programme was the emancipation of the peasantry from their civil disabilities. The special social character of the movement now began to disappear. What the peasants wanted was, to be treated like human beings, to have the land tax imposed on the manors, and above all, that the 30,000 leaseholders might become free-

* The son of Caroline Matilda, and afterwards King Frederic VI.

† Confining to the comparative obscurity of a note an essential historical explanation, I would remark that the Danish peasants, originally free men, and to a great extent freeholders, gradually fell into the practice of feudal "Commendation." The Danish form of this mediæval institution was called "Vornedskab," a relationship under which, by the middle of the fourteenth century, the "Bonde" had been transformed into a kind of "villein regardant." In later times it happened that owing to the oppression of the lords, and other causes, "there was not a man to till the ground," so that Denmark was covered with "latifundia." To remedy this, King Frederick IV instituted a militia (1701 and 1724), on whose rolls all peasants were inscribed, from the age of 14 to 35. By threatening the peasants with the army, the lord could drive them to take his farms: this was the so-called "Stavnsbaand."

holders of the farms which they occupied by the "Fœste" tenure. But this, it was now evident, the "Bonde" would never obtain by a mere social movement. Such reforms could only be carried by a strong political party, and accordingly to acquire political influence became the instinctive, if not the reasoned object of the "Peasants' Friends."

Already in the Constitutional Assembly of 1848; elected like the following Rigsdag, by universal suffrage, the "Bondevenner" appeared as a strong independent party. Although the peasant was not then as now, a democrat, the peasants' friend was; and the "Bondevenner," though a minority of the Rigsdag, formed a Radical left. The moderate Liberal party, formed of professors, employés, and different middle-class elements, insisted on a vigorous resistance to the German pretensions in the Danish Duchies, and were hence called "National Liberals." While the "Bondevenner," then as now, objected to a spirited foreign policy, laying more stress on the necessity of completing the business of domestic reform. But though the "National Liberals" and the Peasants' Friends were thus at issue on social and agricultural questions, something like a common feeling prevailed. The nobility had been completely set aside, and on their behoof the Danish middle class was not disposed to check its own natural sympathies for the peasants' cause. So that National-Liberals, like Orla Lehman and Bishop Mourad, warmly advocated the various articles of the "Bondevenner's" agricultural programme. In the Constitutional Assembly of 1848 the necessity of making the life-tenants into freeholders was recognized by the Cabinet of the day. In 1849 a Land Commission, named for this and general purposes, unanimously asserted the States' right to impose such a sacrifice on the landlords, but came to no distinct conclusion as to the expediency or manner of a forcible solution. In 1850 the "corvée" and the fiscal privileges of "free earth" were abolished; but the question of tenures still lay dormant. In the years next following, J. A. Hansen, B. Christensen, Tscherning, and other Peasants' Friends, introduced or provoked measures for selling to the actual tenants the remaining farms of the Crown domains, of the rich College of Sorö, of the University and City of Copenhagen, and other corporate endowments; also Bills removing the prohibition of the sale of the peasants' farms of entailed estates. Meanwhile, several attempts were made to bring about a forced solution. Bishop Mourad, backed by the eminent jurist Larsen, introduced a Bill to compel landlords to sell their farms at full compensation rates. But this, and seven other analogous projects, some of them less rigorous, fell through. Later on, Bishop Mourad, then Minister of the Interior, whose views after ten years had grown more Conservative, brought in the Bill of February 1861, which allowed proprietors of tenemental lands, freehold or entailed, who should sell nine farms to the actual tenants or their children (real, step, or adopted), to absorb into the manor, from the rest of the "Böndergods," land equivalent to one-ninth of all the new freehold property.

Between 1861 and the session of 1868–69 the question of a forced conversion may be said to have dropped. But J. A. Hansen last winter brought in a new Expropriation Bill, under which the landlord, in case he would not come to terms with the tenant, must sell, on demand, at one-third of the land's value as rated by a commission. Neither this Bill, nor one more onerous to the landlords, presented by Winther, the leader of the Jutland group of the peasant party, became law. As I write, two private, and one Cabinet, schemes of expropriation are before the Folkething. But at this point I must interrupt the narrative to explain certain circumstances collateral with the above-described legislative action, to which it mainly owes its hitherto merely permissive character.

In 1848 the political ostracism of the nobility was pretty complete, but some of them were beginning to understand the situation. Already there had been founded a society whose aim, said the programme, was "to bring together 'gentlemen' who from birth, education, position, or destiny, belong to the same sphere," to practise gymnastics, and other bodily exercises, play billiards and read newspapers. Moving in another circle of ideas, Count Frijs Frijsenburg, then quite a young man, now Prime Minister of Denmark, assisted by several influential friends, founded (in 1850) the so-called "Landowners' Society."* This society contemplated action in several directions. For instance, it opposed the ultra-national doctrines of the "Eiderdansk" Liberals, and afterwards the Scandinavian idea. But the grand object of Count Frijs and his allies was to break the neck of the agitation of the Peasants' Friends, by themselves coming forward as agrarian reformers and, in particular, with the announcement that they would promote the conversion of the tenemental farms into freeholds. By the force of example and influence, Count Frijs and his associates gave, or were believed to have given, so great an impulse to the sale of "Fœste" land that the peasant's wish for a forcible expropriation grew

* The efficacy of the Landowners' Society is an admitted fact, but I must remark that the number of farms sold between 1851 and 1868 was only equal to the number sold between 1851 and 1834.

weaker. While the middle class, seeing that the desired conversion of tenure was actually in progress, became reluctant to support measures in which some of them saw the beginnings of social revolution. In 1865 the position of the "great peasants" was so far improved that in the so-called "October Club," they were able to form a species of lukewarm alliance with a fraction of the Peasants' Friends. In this association, which was founded on the common dislike of both parties to the National Liberals—the "Professor Party," the "Placemen," the "Doctrinaires" (as their opponents also term them with rather less than the average fairness of political nicknames,)—J. A. Hansen, the most active journalistic and Parliamentary advocate of the peasant's claims, the flail of the Danish nobility, has met on friendly terms with persons of the order which he has helped to pull down. Provided with the political passports from the conservative democratic club a great landowner may occasionally, though not easily, obtain a seat in the Folkething. This curious, unstable alliance may also have helped to secure to the country a continuance of the services of Count Frijs as head of the Government. In a Folkething of 100 members the "Bondevenner" have now about nearly sixty votes, nine-tenths of the party being actually of the "Bondestand." They fall into a Jutland and an island group, each twenty (about) strong, and a "Grundtvigian" or congregationalist group. On agrarian questions the Peasants' Friends act together, but their cohesion is otherwise loose, and they have no one recognized leader. Under such circumstances the good understanding between Count Frijs and the "Small Peasants" is easily made to tell. By country meetings, lectures, and in other ways, the "October Club" may have helped the growth of better feelings between landlord and tenants. To its existence the landowner may perhaps be indebted for the comparative mildness of the Expropriation Bill just brought into the Folkething by J. A. Hansen.

The basis of this Bill is the fact that the existing legal restrictions on the tenemental farms deprives them of a portion of their proper commercial value. If a "fœste" farm and an adjacent freehold be sold together, the freehold will, *cæteris paribus*, something fetch from one-third to one-sixth more than the "fœste" farm. This is the natural result of the leasehold being subject to so many artificial restraints, and also of the circumstance that the owner cannot, in practice, sell it in open market. Mr. Hansen proposes to let all existing contracts run, but to prohibit the issue of new life leases, except to consenting tenants. Should no private arrangement be concluded between the landlord and representatives of the last tenants, the farm is to be put up to auction, one-third of the price realized being handed over to the representatives of the last tenant through the public Treasury.* Under this arrangement the landlord would be permitted to buy the land, which would then be at his disposal as a separate freehold, though not for absorption into the manor. Comparing Mr. Hansen's actual measure with previous schemes, or, for instance, with Bishop Mourad's first Expropriation Bill, it is evident that the landlords are now offered better terms than before. For an opening is allowed them to make the tenemental farms their own, on payment of a fine to the peasantry, in return for the removal of the legal shackles which now obstruct their full enjoyment of proprietary rights. Exceptional cases apart, a landlord selling by the proposed auction would, in spite of the deduction of the one-third, fine, realize at least as much money as he could by a sale to-day, under the conditions imposed on him by existing law and custom. The Bill, then, is in the character of a compromise, and is as such referred by the public to the influence of the "October Club." It has already been denounced by Tscherning, one of the oldest and ablest of the "Peasants' Friends," who, from the depths of his retirement, has declared that the peasant's earth is mere "ager publicus," (the illustration is mine, not his,) which the State has hitherto allowed the landlords to administer, and which it may at any moment resume. If Aryan parallels were fashionable in Denmark, the Colonel would say that the Danish proprietor is a zemindar of the pre-Cornwallis type; in proof of which he might quote the fact, that the landlord, not the tenant, is responsible for the land-tax. Colonel Tscherning asserts that Mr. Hansen's permission to the landlords to buy in their farms is an indirect spoliation of the peasantry; and his views are probably shared by Mr. Winther, the leader of the Jutland peasants, who, separating from his colleague, has brought in a Bill of his own. Mr. Winther's Bill may be called a revival of the old Mourad scheme of expropriation, under which the landlord would get compensation, but would not be allowed to buy in his land: it is not likely to pass the Folkething, let alone the Landthing. Both measures have been crossed by a Ministerial programme, which I may briefly describe as the proposed destruction of the elaborate legal system described in the first chapter of this Report. Details apart, it corresponds in principle with Mr. Hansen's

* I only give the outlines of a long and complicated scheme. By "representatives" are meant children or other individuals to whom the tenant may have willed his interest in the farm.

scheme, but gives the landlords larger facilities for acquiring the tenemental lands, and grants general free trade in land, in opposition to the Protectionist policy of the "Peasants' Friends." This programme cuts both ways; and though not at present introduced as a positive measure, its ideas will be ventilated in the Folkething during the consideration of the Hansen and Winther Bills.

The Cabinet of Count Frijs includes several country gentlemen. He himself is, or was, the greatest landholder in the North of Europe (Russian estates excepted), and he is officially pledged to the principle of conversion. Mr. Hall, and the remains of the National-Liberal party, follow in the same line, and they will adhere to Mr. Hansen's proposals. Under these circumstances it were rash for a foreigner to assert that the projected conversion is inexpedient, or that it is undesirable to accelerate its progress by a little legislative pressure.* The English ear may at first seem to catch an echo of social revolution from the whole business; but such a prejudice should, I conceive, be cured by an impartial study of the Danish Statute Book. The tenures of Denmark are not the tenures of England. The Danish landlord is not, except as regards his demesne, the complete legal or customary master of his own. To the tenemental lands he stands, very roughly speaking, as did the zemindar to the ryot before the permanent settlement. From another point of view, the analogy between the Bengalee and the Scandinavian would be close enough. If the zemindar proprietor, or tax-gatherer, was not the mildest of masters, the Danish "Jorddrot" was, till recent times, the scourge of the peasantry. Under his parental love the Danish "bönde," now the freest, the most politically wise, the best educated, of continental yeomen, was a mere hewer of wood and drawer of water. His lot was no better than that of the most miserable ryot of Bengal.

Concluding Remarks.

On a review of the whole subject, it would seem that the reign of Christian IX, is witnessing, to use the classical phrase of Machiavelli, a return "al segno"—a return to the times of the Valdemars, when every rood had its man. The Danish peasantry, no longer "taillable et corvéable à merci et miséricorde," will soon own nearly all the soil of the Kingdom. The improvement of their moral and material condition may, in part, be ascribed to the repeal of the English duties on foreign produce, to the substitution of political liberty for the impotence of enlightened despotism, and to other causes. That the conversion of tenures has indirectly contributed to the general result may be accepted as an ascertained fact. From the systematic contradiction of reputable testimony I am, however, disposed to infer that the freeholder is not a better farmer than the leaseholder. There is no doubt whatever that, in Denmark, culture on the large scale is more advanced than culture on the small.

Postscript.

The Folkething has passed Mr. Hansen's Bill, considerably amended, by 92 votes to 1. Many members, however, only voted for it in order to facilitate its passage to the Landthing, where it will probably be buried for the present. The loss of the Bill will hardly be regretted by the "Peasants' Friends," who, if it passed, would have to invent some new popular grievance. Occupied in such a quest, it would be fortunate for Denmark if they could get up a successful cry against the monstrous armaments whose little finger is heavier than the loins of leasehold tenure.

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* See Appendix for complete statistics of conversion. I am sorry to say that there are discrepancies in the arithmetic which I am unable to explain.

Appendix.

Table 1.—Population.

(A.)—Mass.

According to Census of 1860, less the Duchies	1,608,362
Estimated increase up to January 1, 1868	145,425
Total	1,753,787

(Say on February 1, 1870, about 1,800,000).

That is:		
Islands—Copenhagen	164,786	
Towns	123,476	
Country	692,107	
		980,369
Jutland—Towns	101,475	
Country	671,943	
		773,418
Total		1,753,787

That is, the population is at the low rate of 2,527 to the square Danish mile; but in the Islands, without Copenhagen, the rate is 3,460, or about the same as in France and North Germany.

(B.)—Pursuits.

Of 1,000 persons there are employed:—

Productive Class:	
Instruction, doctors, employés, &c.	57·75
Agriculturists	454·33
Manufactures	216·45
Commerce and marine	76·28
Workmen and others	155·71
Unproductive Class:	
Capitalists and pensioners	17·92
Others, including paupers	21·56
	1,000

Table II.—Cultivation (1866).

(A).—General.

(1 Tönde Danish = 5,776 square metres, or about $1\frac{1}{3}$ acre English.)

	Tönder Danish.
Wood	319,102
Arable of all kinds	2,023,698
Pasture, fallow, meadows, and common	2,486,518
	4,829,318
Unproductive	2,020,494
	6,849,812

(B.)—Details of Arable.

	Tönder Danish.
Wheat	95,876
Rye	414,656
Barley	546,596
Oats	660,912
Buckwheat	35,971
Leguminosæ	66,902
Potatoes	67,847
Other roots	5,532
Rape	28,264
Other commercial plants	17,658
Mixed seed	83,484
	2,023,698

The four chief cereals are seventeen-twentieths of all; the whole crop average may be 8,600,000 quarters English, valued at 9,000,000*l.* Of the whole agricultural harvest 17 per cent. may be available for exportation. We take about 800,000 quarters of cereals.

Table III.—Animals (1866).

			Head.
(A.)	Horses		352,603
	Horned beasts—Bulls	19,556	
	Oxen (2 years and over)	96,067	
	Cows	811,831	
	Young cattle under 2 years	266,407	
			1,193,861
	Sheep (thereof 63,581 rams)		1,875,052
	Swine		381,512

(B.) That is:

	Per Square Mile Danish.	To 1,000 of Population.
Horses	510	205
Cattle	1,726	695
Sheep	2,710	1,092
Swine	551	222

Of 1,000 horned beasts, there were in 1861:—

Bulls	18·8
Oxen	68·6
Cows	676·5
Calves	236·1

Table IV.

(A.)—Distribution of "Hardcorn" (1860).

(1 tönde hardcorn = 10 tönder land (roughly) = 14 acres nearly.)

Species of Estate.	Number.	Tönder Hardcorn.
Hovedgaarde and Avlsgaarde (with 160 acres and over)	1,754	50,118
Böndergaarde (peasants' farms, from 10 to 160 acres)	69,094	278,528
Houses (with 10 acres and less)	136,925	34,531
Lots taxed, but not built on		5,122

This Table shows that over three-fourths of the "Hardcorn," and, roughly speaking, of the land, belongs to the peasants' farms, and less than one-eighth to the larger properties. Of estates over 30 tönder "Hardcorn," equal to 400 acres, there are only 501 in all.

(B.)—Of the "Böndergaarde" there were in 1860:—

In freehold	54,303
In "Fœste" and heritable leases	14,791
	69,094

(C.)—The numbers of Leasehold Farms since 1835 have been as follows:—

There were in 1835	29,795
" " 1851	20,480
" " 1861	13,788
" " 1868	10,826

(D.)—Conversions of Leaseholds into Freeholds and Hereditary Leases:—

	Number.		Number.
1858	129	1863	460
1859	170	1864	286
1860	215	1865	449
1861*	421	1866	476
1862	502	1867	360

(All peasants' farms averaging (roughly) 60 acres.)

* Bishop Monrad's law passed. See text.

(E.)—Comparison of 1850 with 1868, showing number of leaseholds in each year on the different kinds of estates:—

	1850.	1868.
Domains	1,051	1
Public corporations, colleges, &c. ..	2,082	553
Entailed private	10,121	5,464
Private, not entailed	7,051	3,198
Total	20,305	9,216

(Also of 60 acres as before.)

TABLE V.—EXPORTS from Denmark after Deduction of Imports.

(1 tönde Danish = 3·8 bushels, &c.)

(A. Cereals (less imports):

	Tönder Danish.
1865–66	3,832,831
1866–67	2,940,113
1867–68	2,626,253
1868–69	1,863,811

(B.) Cattle (less imports):

	Head.
1865–66	41,424
1866–67	46,361
1867–68	37,793
1868–69	36,363

No. 18.

Vice-Admiral Harris to the Earl of Clarendon.—(*Received December* 27.)

My Lord, *The Hague, December* 24, 1869.

WITH reference to your Lordship's Circular despatch of the 26th of August last, I have the honour to transmit a Report, by Mr. Locock, Secretary to this Legation, on the Tenure of Land in the Netherlands.

I have, &c.
(Signed) E. A. J. HARRIS.

Inclosure in No. 18.

Report on the Laws and Customs affecting the Tenure of Land in the Netherlands.

The Hague, December 20, 1869.

IN the compilation of this Report I conceive that it is desirable that I should strictly observe the order of the queries proposed for my consideration, and chiefly confine myself to furnishing careful answers to all of them in succession. I shall therefore, without further preface, deal with them one by one, touching but lightly, however, and in general terms, on those which possess but a subordinate importance.

The country called the Netherlands contains a population of a little over 3,500,000, composed of Protestants and Catholics, the former predominating. It is a commercial and agricultural rather than a manufacturing country. Its rich colonial possessions and its sea-indented coasts, its fat pastures, and its light level soil, have given a direction to the energies of its inhabitants.

The system of land-tenure in the Netherlands is of a double, or rather a threefold kind. There are some lands (A) held by small proprietors, or at all events by farming proprietors; there are others (B) occupied by tenants holding from proprietors, but without the accompanying practice of sub-letting; and there are again, others (C) where

the system of tenure is closely allied to our own copyhold tenure. There are some districts where one system is far more prevalent than another, and there are other districts where the first system is to be found working side by side with the second in almost equal proportions.

(A.)—Small (or Farming) Proprietors.

(1.) The quantity of land usually held by each proprietor farmer may be said to vary generally from 50 to 100 or 125 acres, according to the Province. Of course there are many much smaller, but there are likewise others far larger. The largest proprietors of this kind are situated in Friesland, Groningen, and Zeeland, where one meets with farms of several hundred acres. The farms consist of single properties, more or less compact, and are very rarely intersected by farms belonging to other proprietors.

(2.) According to Article 896 of the Netherlands Civil Code, "the law pays no attention to the nature or origin of property in regulating its succession." The same rules, therefore, apply to the descent and division of landed property as those which regulate other kinds of property. These prescribe that if the owner die intestate, all his property, without distinction, shall be apportioned equally amongst the children or next of kin, without regard to sex or primogeniture; and that if, on the other hand, a will exists, it can only dispose of a certain portion of the estate, varying, according to the number of surviving children, from one-fourth to one-half, the remainder being equally apportioned as above. Although the law of entail is not expressly referred to in Dutch law, it is not in any way recognized or allowed.

(3.) Legal possession of property is acquired by occupation, by accession, by prescription, by legal or testamentary succession, and by delivery or execution of a legal title of transfer emanating from the person empowered to dispose of the property. The delivery of real property is effected by inserting a copy of the deed of transfer in the public registers kept for that purpose (Articles 639, 671, Civil Code). Hence it appears that real property cannot, as by French law, be acquired by the mere process of sale, exchange, &c., but that besides, and in addition to such process, there is required a separate Act, namely, an insertion of a copy of the deed of transfer in the public registers. These registers are kept by the custodians of mortgages, and contain all that concerns such matters within the jurisdiction of the district court in which they exercise their functions. Whenever the deed of transfer relates exclusively to the property transferred it is copied at full length, but when it contains matters having no reference to the property transferred it is sufficient that an authentic extract be made.

A duty of 4 per cent., with an additional fee of 8*d.*, is levied at the time of registration on all acts of award, sale, resale, transfer, retransfer, and all other civil and judicial acts effecting the transfer of landed property, except acts of exchange which are liable to a tax of only half that amount, or 2 per cent.

A fixed fee of 2*s.* 6*d.*, with 8*d.* additional, is payable on a deed of division of landed, as well as other, property, amongst co-proprietors on any legal title whatever.

Over and above this registration duty which is levied on the deeds themselves in virtue of the French Law of the 22 Frimaire, year VIII, still in force in the Netherlands, a transcription duty of $\frac{1}{2}$ per cent. is levied in virtue of the law of the 16th June, 1832, relative to the copying of all deeds of transfer or division into the public registers of domains.

(4.) The Government affords no aid either directly or indirectly towards the raising of loans upon landed property. Four or five public companies, whose special object it is to advance loans on mortgage of real property, exist in Holland, but they have no public character, and enjoy no privileges or special protection from the Government. These Crédit Foncier companies, acting as intermediaries between the proprietors and the capitalists, accept all the responsibility attaching to each particular mortgage and issue their obligations payable to bearer guaranteed by the whole of the mortgages of the company and their sinking fund.

Notwithstanding these advantages many capitalists prefer themselves to make advances directly on mortgage, either from force of previous habit or from ignorance, or from a hope of obtaining a higher rate of interest by making their own bargains. It is easy to imagine that no remote districts where access to an office of a land mortgage company is difficult, and where one or another private capitalist happens to have peculiar facilities for putting himself in communication with the farmer, studying his wants and ascertaining his means, the latter may prefer what seems to him the most natural mode of obtaining a loan.

The objects for which a proprietor farmer is tempted to effect a mortgage on his paternal estate are numerous. It may be that successive bad harvests, or losses amongst his live stock have resulted in his finding himself hard up, or he may wish to improve his farm, to add some farm buildings, to rebuild his own house, to extend the drainage, or increase his stock, or he may be ambitious of adding field to field and polder to polder either to gratify his vanity or, more likely, to provide for the time when it will have to be divided amongst his children. But I believe that one of the most frequent objects of mortgaging estates is that of promoting a too great subdivision of property on the death of its owner amongst his heirs by assigning to one or another of them his portion in other securities; this would be especially the case with regard to the portions of daughters.

(5.) It may easily be gathered from what precedes, that with the special facilities of land mortgage companies, besides plenty of private capitalists ready to lend on so good security, proprietors have not been behind hand in raising loans on their farms. Properties are very commonly mortgaged to the extent of half their value, and often above it. The total value of mortgages on real property in the Netherlands is about 40,000,000*l.* sterling, but more than a-half has been effected on terms varying from 5 to 5½ per cent., which point rather to house property, including, doubtless, farm buildings, than to the land itself. The rate of interest paid by farm property is from 4 to 5 per cent.

(6.) The law affecting mortgages in the Netherlands is so similar to the provisions of the Code Napoleon that it will be perhaps best to draw attention chiefly to those points on which it differs.

By Article 1214 of the Netherlands Civil Code, a mortgage must be effected with a notarial deed, and only by the person who has the right to dispose of the property, and every mortgage to be valid must be inscribed in the public registers appointed for that purpose. There are no exceptions to this rule, and not only are informal mortgages invalid, but legal and judicial mortgages are prohibited. It is the registrars of the deeds of transfer, who also keep the books for the registration of mortgages, and they are charged with the duty of seeing that they are in accordance with each other and with the public survey. The law accordingly requires that the estates to be mortgaged should be described in the deed of mortgage as well as in the public register, by commune, section, and number of lot on the general survey. By Article 1226, if there be more than one mortgagee of the same property, they rank according to the date of registration. Article 1223, which declares null every engagement on the part of the mortgagor authorizing the mortgagee to take possession of the property, empowers the first mortgagee to stipulate in the deed that in the event of the mortgagor failing to pay regularly the interest on the loan, the former may cause the property to be sold at public auction, and recover from the proceeds his capital with interest and expenses. But it is imperative that this stipulation be inserted in the public register. The auction takes place publicly, according to the custom of the place, and in presence of a public notary. If there are other mortgagees they must be warned of the sale not less than thirty days before it takes place, by means of a public officer sent to the address given by them in the register. In practice every deed of mortgage contains this stipulation, which is freely acted on when necessary, and is found to be in the interests of the debtor as well as of the creditor; he thereby avoids the seizure of his movable property and the odium and expense of an ejectment.

The cost attending the registration of deeds of mortgage are 2 per cent. on the amount, in addition to minor fees of 8*d.*, 1 per cent. on the amount, and 1*d.* to the copying clerk for every five lines.

(7.) There being great variety of soil in the Netherlands, varying from barren sand to rich loam and heavy clay, the nature as well as the rotation of crops vary exceedingly, and it is impossible to lay down any general rule on the subject. Oats, rye, wheat, buckwheat, rape, flax, hemp, potatoes, carrots, turnips, chicory, &c., form the principal crops, the rotation of which varies according to soil and province, and extends over periods from three to twelve years. Full information on Dutch husbandry may be found in the "Agricultural Journal," an abstract of which, already in print, appears so carefully prepared that I venture to quote a few passages from it here.

"When the sand is deep with little or no loam near the surface, it is a tedious work to bring the land into cultivation. By trenching and levelling, mixing the heavier soils with sand, by a careful addition of manure both solid and liquid, and by first sowing such plants as will grow on this barren soil, a stratum of productive soil is gradually collected. If manure cannot be had, broom is first sown. This grows on the most barren soils; in three years it is cut for fagots for the bakers and brickmakers. It has somewhat improved the soil, which is next sown with buckwheat or even with rye. After this, clover and potatoes follow; and these crops furnishing manure, improvement goes on rapidly.

Potatoes are then the first crop. Then follows rye after the land has been manured to the same extent as before. In this clover is sown in the succeeding spring. After rye comes buckwheat, without any manure; then potatoes again manured as at first; and the same rotation of crops follows. It is by this means that the character of the poor soils becomes in a few years entirely changed. Great attention is paid to the choice of seed. The quantity of seed on a given extent of land in the Netherlands is much smaller than it usually is in England. This is owing to the greater attention paid to preparing the land for receiving the seed. The surface is brought to a finer tilth by repeated harrowing with light wooden harrows. Mixed seed is sometimes sown, as a mixture of wheat and rye. The sowing of carrots amongst a growing crop is peculiar to the Netherlands."

Large numbers of cattle and sheep are reared in those parts of the country which, lying below the level of the sea, are afflicted by the presence of much water. In these districts neither hedges nor fences are to be seen; here and there a solitary gate, rising above the general level, marks the presence of a path or the entrance into a meadow. Ditches and canals, cut at regular distances and equal angles, separate the fields from each other, while answering the double purpose of drainage in winter and irrigation in summer. During the summer months the cattle fatten well on the rich grasses which grow in these meadows, but in the winter they are removed to the farmyards and fed on hay, roots, &c. November is the month for removing the cattle and sheep from the pastures, from which indeed they are often driven by the rising of the water, which at this season overflowing the ditches and canals spreads far and wide. The cattle are frequently left out till they can hardly pick their way home to the farm on dry land. Often a party of oxen or cows may be seen in their tarpaulin cloths, which afford them a certain amount of protection from the driving rain, standing in the middle of some field fortunate in the superior elevation of six inches, and gazing disconsolate on the expanse of water around them.

Dairy farming is very extensive, and is carried to great perfection in the Netherlands. In the summer the cows are milked in the fields; the milk is collected and conveyed to the dairy in large brass cans with narrow necks, in which, when full, the milk can be carried with very little shaking. In the winter the cows are removed to the cow-house, a long building, in which they stand in a double row on either side of a passage running down the middle. They stand with their heads turned towards one another. Great attention is paid to cleanliness. There is a peculiar arrangement by which the tails of the animals, useless and inconvenient appendages in a stable in winter, are hoisted up and kept suspended by means of cords connected with pullies in the roof.

The proportion between tillage and grass lands is almost exactly that of three-fourths, in other words arable land may be stated to form three-sevenths and meadow land four-sevenths of their united area. In Groningen, Zeeland, North Brabant, and Limburg, the former predominates, while in Friesland, Drenthe, Overÿsel, and North and South Holland, the latter; in Gelderland, the two are nearly balanced.

(8.) Machinery is a good deal used on the larger farms for threshing, winnowing, crushing, and such like purposes, but rarely for ploughing and reaping, though some machines for this have lately been introduced here and there. Hitherto agricultural machinery has been imported from England and America, but recently the Dutch have begun to make it for themselves.

Hired labour is an absolute necessity on almost all farms, as may be gathered from their size, but it is not in my power to give any information based on statistics as to the average number of paid labourers per acre. About 100,000 farm labourers enter the Netherlands yearly in the month of May, and remain till after the harvests have been gathered in. Now the total extent of land under cultivation in the Netherlands, inclusive of orchards and gardens, but including grass land, is 1,250,000 of English acres, so that this foreign labour would be equivalent to an addition on the average of one labourer to $12\frac{1}{2}$ acres.

Female labour is common on Dutch farms. Nearly all the wives of the peasantry, and the daughters after the age of seventeen, work in the fields, though their labour is chiefly confined to weeding, hoeing, and other light work, or engaging in gathering in the harvest.

The rate of wages varies considerably in the different provinces. In some places it is as low as 5*s.* a week, and in others, especially in the vicinity of large towns, it is twice or even three times that sum. This is the rate in summer, for in winter there is a diminution in the scale of about 1*s.* or 2*s.* a week, according to the amount, Female labour is about one-fourth less expensive than that of the men; or the difference is even less; for instance, in Gelderland the wages of the men in summer are 5*s.*, and of the women 4*s.* a week, while in winter they are respectively 4*s.*, and a little over 3*s.* a week. I have here

spoken of the labourers who house and feed themselves. Those farm servants whose special duties necessitate their living on the immediate premises of their employers, are generally engaged by the year, and being housed and fed, receive from 5*l.* to 10*l.* a-year according to the nature of their employment, and the district which they inhabit.

(9.) The actual emigration to other countries of the agricultural population is in all probability very small. Statistics show exactly to what extent the agricultural population is increased or diminished each year by departures or arrivals, but without specifying the destination of the one or the origin of the other. In the year 1867, on a rural population estimated at the close of the year at 2,446,774 souls, there were 3,315 more departures than arrivals. But it is unquestionable that this draught from the rural population (which was hardly felt with an excess of births over deaths amounting to 28,266) was in great measure attributable to the perpetual flow of population towards the towns. The excess of emigration over immigration for the whole country in the year 1867 was but 1,851 persons, and of this number it is probable that a large part belonged to the town and not the rural population.

(10.) The landed proprietors of the Netherlands engaged in the cultivation of their own farms, invariably live on those farms.

(11.) After what I have said of the average size of Dutch farms it is almost unnecessary to state that there is nothing either in the way the occupiers of these farms are housed, clothed, and fed, or in their general circumstances which calls for much commiseration; perhaps there is but little which suggests improvements. A succession of bad harvests, a blight, or a murrain may indeed occasionally be the cause of extensive losses amongst these more than peasant proprietors, but is seldom that of real suffering. By drawing on their own pecuniary resources put by for the dowry of a daughter or the portion of a younger son, by cheerful self-denial, and careful husbandry, they sooner or later succeed in making up for their losses, and going ahead again. The cattle plague was a source of untold loss to the pastoral population of Holland, whole herds were swept off by its malignant agency, and yet the empty meadows have already been retenanted, and Holland is as rich in cattle as she was before the scourge first appeared.

(12.) It is out of my power to furnish the required information regarding the numbers and rate of increase per acre of the proprietor farmers, as no special statistics regarding them as distinguished from the rural population generally, have been collected. Indeed, the farm in which information on this subject is sought leads me to infer that it contemplates a far more numerous class than that of the proprietor farmers of the Netherlands.

(13.) Public opinion in this country has not been specially directed to the condition of the proprietor farmers, or to the particular advantages or disadvantages of the system as distinguished from that of tenant farmers—a satisfactory evidence of the smooth way in which both the systems have been found to work. Complaints are unheard, nor do I believe that much cause for complaint exists. The men who direct the current of public opinion in this country are engrossed with matters, some of which, though further removed from them in point of distance, affect them more intimately than the comparative advantages of proprietor or tenant farming, on which the general opinion might not be inaccurately described as one of satisfied indifference.

(B.)—Tenants or Sub-Tenants under Landlords.

Tenure.

1. The size of farms held by tenants does not materially differ from that of farms cultivated by the persons owning them, which has been described in answer to Query A. 1.

2. The Dutch law specially relating to the tenure of land is contained in the Civil Code, book iii, c. 7, s. 4. It is identical with the regulations contained in the Code Napoleon, book iii, title 8, c. 2, s. 3, with the exception that Articles 1763, 1764, and 1775 of the French Code are omitted in the Dutch.

The law presumes that a landlord in letting out a farm does so with the object and on the understanding that it will be used and cultivated as such, and holds the tenant bound so to use and cultivate it. Accordingly, should the tenant fail to furnish it with the stock necessary for its cultivation, should he utterly neglect it, injure it, use it for purposes never intended, and generally should he fail to execute the conditions of the lease, and the landlord suffers injury thereby, the latter has the power to annul the lease and claim damages with interest.

In case of half or more than half the harvest being destroyed by some unforeseen accident or misfortune, such as hail, frost, blight, inundation, &c., and in case the loss is not compensated for by subsequent good harvests, a proportionate diminution in the rent has to be made by the landlord for that year, provided that no express stipulation to the contrary has been inserted in the lease. Compensation can only be claimed in case the crops were still standing at the time of their destruction.

The usual length of tenures varies according to district, generally being sufficient to cover the time required for one full succession or round of crops; thus, in some parts it is the custom to grant three years' leases, in others five years, in others six years, and in others twelve years.

The 1595th Article of the Civil Code forbids a tenant, without permission of the landlord, to sub-let or make over his farm to another, under penalty of annulling the lease and payment of damages, with interest, and of costs; nor is the landlord obliged, after the original lease is annulled, to recognize the sub-tenancy.

3. According to law, a tenancy may be created either by parol or by written agreement. When there is no written agreement, the lease is supposed to be for such time as is necessary for the tenant to gather all the crops from his land; thus, the lease of a meadow, orchard, or vineyard is supposed to be for one year; but the lease of a farm under a succession of crops is considered to last till the succession is completed.

If, on the expiration of a written lease, the tenant remains in possession, with the tacit consent of his landlord, a new lease is established on the same terms as before, the length of the fresh lease being determined as above.

4. It is not a habit to make an entry of leases in the public registers. It can, however, be done, and the law may be said to encourage the practice, though not prescribing it, for, if the entry be made within three months of the signing of the lease, it is effected gratis. It may be mentioned that there is an Act (Article 1917 of the Civil Code) which prescribes that agreements between two persons, affecting a third party, do not come into force till the day when they are registered or acknowledged in writing by the party affected, or till the existence of such agreements is verified by some authentic document, or when one of the persons who signed it is dead.

6. There is no law or custom whereby a tenant is considered as having a right to sell his interest in his farm, with or without consent of his landlord, except in case of leases in perpetuity, which will be described hereafter.

Rent.

1. In case of tenancies, the payment to the proprietor is made by a fixed amount, and this is almost invariably in money. "Deelhebbende Pachters," or tenants who pay rent in proportion to, or by share of, produce, are known only in a few parts of the country.

2. The amount of rent is invariably settled when the agreement is made. If this, as occasionally may happen, has been done merely by word of mouth, and no receipt for rent already paid or other proof can be produced, then, by Article 1605 of the Civil Code, the landlord must be believed on his oath, unless the tenant prefer to have the rent estimated by properly-qualified persons.

The scale of rent is arranged amicably between landlord and tenant before the latter takes possession of the land; the custom of the place, private competition, or other similar considerations naturally regulate its amount; but, in case a landlord cannot by other means come to terms with an expectant tenant, recourse is had to valuation by any competent persons. But, as in such case no lease has yet been signed, or pledge on either side given or taken, it is a purely voluntary proceeding, and offers but little occasion for dispute or the intervention of the law.

Rent is payable yearly, and, except in a few instances, not in advance. There are two dates on which payment is usually effected, namely, the 21st February or the 11th November.

I confess to having experienced some difficulty in arriving at the meaning of the term "hanging gale," as it exists in no dictionary or encyclopædia, general, legal, or commercial, to which I have had an opportunity of referring. I believe the word gale to be a contraction of the Saxon word gravel, or rent, the same which still exists in the word gavelkind, the tenure to this day in force in Kent, where land, in the event of intestacy, is distributed equally among all the sons. I have recently been given to understand that the term "hanging gale" is equivalent to a running account of rent, and is used to denote the system by which the tenant instead of paying his rent as he ought to do keeps a

running account with his landlord, the effect of which is that he is always in arrear. If this be the true meaning, then all I can say is that there is no such thing as a hanging gale in this country.

(3.) The landlord has undoubtedly an unlimited power of raising the rent on the termination of the tenant's lease, and of obtaining it provided the tenant consents to take a fresh lease on the new terms, but not otherwise. In case of non-payment of rent or other breach of covenant, including, as has been already named, leaving his farm uncultivated or putting it to a use other than that for which it was designed, the landlord, if he suffer any injury thereby, may require the annulling of the lease and obtain compensation for expenses, and damages with interest.

(4.) The form of procedure by which landlord and tenant enforce their claims does not materially differ from that prescribed by the Code Napoleon. If it is a question of recovery of rent, the landlord may have recourse to a distress on the written authority of a Magistrate. The distress is effected with the aid of an officer of justice who is empowered to resort to force should it be necessary. The power of distraining can only be employed within certain limits which do not materially differ from those observed in English law, the object being to avoid depriving the debtor of the absolute necessities of life, and reducing him to a state of destitution. Farm produce and implements and live stock are liable to be distrained. The effects seized are impounded and placed in charge of an appointed guardian till the day of public sale, which must be properly advertised. The proceeds of the sale are divided amongst the creditors as the law directs. The landlord in virtue of his lease, agreement, or contract has a prior claim to other creditors on the produce and every thing else on the farm, such as cattle, agricultural implements, &c., whether they belong to the tenant or not. (Arts. 1185, 1186, 1188, Civil Code.)

Evictions.

(1.) The form of procedure by which a landlord has it in his power to evict a refractory tenant whose lease has expired, or been cancelled in consequence of his having refused to pay rent or having otherwise infringed its provisions, is laid down in the 41st Article of Judicial Organization, and the 53rd and 122nd Articles of the Code of Civil Procedure. The landlord commences by presenting at the Magisterial or District Court, a petition for the annulling of the lease on the plea of infraction of its provisions in case it has not already expired. It is at this point that the tenant has an opportunity given him of resisting the action by producing written proofs of existing, renewed, or extended tenancy. If he fails to do so, the Court issues a writ of ejectment, specifying the time for its execution. In no case can this be delayed over one month, and, except in rare cases, where the tenant has shown some special claim to indulgence, it is put into immediate execution, very frequently on the day following its issue.

(2.) Evictions seldom occur, but there are no official statistics on the subject. The most general reasons for evictions are non-payment of rent, and refusal of the tenant to quit on the expiration of his lease.

Improvements.

(1.) Improvements (particularly buildings) are always made by the landlord, except in those special cases where the contrary is specified in the lease.

(2.) In the latter case, if the tenant were to be required to make over to the landlord the buildings and other improvements on the termination of the lease, such an important condition would certainly be specified.

(3 and 4.) Unless specially stipulated in the lease, the law gives the landlord, upon resuming possession, no legal right to the improvements made upon the farm by the tenant. On the contrary, the tenant may, on leaving his farm, remove and take with him all that he has erected at his own expense, provided only that no injury be thereby done to the property. Should the landlord forcibly attempt to prevent such removal, the tenant may appeal to the Court, which, after proper inquiry, will authorize the removal, and send police-officers to see that it is effected. The claims of the tenant are not necessarily forfeited by the mere circumstance of his having delivered up the farm.

(5.) Tenants receive no aid in raising loans for improvement of their holdings either from Government or special public companies, or banks aided by Government, or enabled by special law or charter to grant loans.

Miscellaneous.

(1.) There are no complaints of unfriendly relations between landlords and tenants. Legislative interference has therefore been unnecessary.

(2.) With regard to the manner in which tenant-farmers cultivate their farms and employ labour, and with respect to their standard of living, solvency, independence, and general circumstances and character, I cannot learn that they fall far below the average of proprietor-farmers. They are, of course a less wealthy class, inasmuch as neither the land which they occupy nor, in general, the buildings which they use, or the house in which they reside, belongs to them; but this does not prevent the observations on proprietor-farmers in the earlier part of this Report from applying equally to them.

(3.) I have no means at my disposal for ascertaining what is the annual rate of increase in the population, among tenants, as compared with that of small proprietors.

(4.) It has already been stated in answer to Query A 9, that the emigration from the whole country is but small, and that from the rural districts it is probably still smaller. It is impossible to say to what extent tenant-farmers and their children, as distinguished from the rest of the rural population, takes part in this small flow towards other countries. Statistics on this head are silent.

(5.) The extent to which public opinion has been occupied with the question of the advantages or disadvantages possessed by the system of tenant-farming over that of proprietor-farming has already been described in Answer to A 13.

(6, 7, 8, and 9.) The Legislature has never interfered in any way either for the purpose of promoting the creation of freeholds, or tenancies by proprietors, or the granting of leases, or in any other way to increase, by artificial means, the number of owners or freeholders. Public opinion having never called for any such interference on the part of the State. It has generally been found that the landed proprietors have, without pressure, consulted their own interests and those of others, by never refusing to grant long leases, and even leases in perpetuity, as in Groningen, of unreclaimed lands, to those willing to go to the expense and labour of bringing them under cultivation, while the holdings already in existence are found to adapt themselves in size to the requirements and means of the tenants. As to forcible creation of freeholds, rent is low in the Netherlands, and a tenant can obtain a lease on such terms that he seldom is tempted to look on it as a grievance that its proprietorship is denied him.

(10.) The Government gives no assistance to tenant farmers who are striving to become owners of the land which they cultivate or of other land. Correct returns of the number of such cases cannot be furnished. Tenants frequently receive assistance, however, in their endeavours to increase the size of their farms from the Land Mortgage Companies, but these have not published returns of the assistance granted by them for this particular purpose, the returns published not distinguishing in fact, so far as I have been able to ascertain, between house, farm, or other immovable property.

(11.) The law of succession requires the division in equal portions, amongst the children or next of kin, of a major part of every inheritance without regard to its nature or origin, and this is naturally calculated to favour to a very great extent the division of landed property. But on the other hand there exists a very prevalent desire with individuals to avoid unnecessarily splitting up the paternal estates. It is a common thing for a farmer, whether proprietor or tenant, to have accumulated before his death sufficient movable property, frequently in the funds, to enable him to assign a portion therefrom to one on another of his children.

(C.)—Copyhold ("Beklemrecht").

There exists in the province of Groningen a system of land tenure which resembles in some points the copyhold tenure of England. I speak of the "Beklemming" system. A history of its origin and growth would make a most interesting subject of study, but would far exceed the limits of the place which it occupies in the present Report; I must content myself therefore, at all events for the present, with giving, in as few words as I can, a general idea of the mode in which this peculiar kind of tenure has gradually grown up, and of some of the more salient points of its present character.

More than one theory has been started as to the source to which it in the first instance owes its existence, but the one which has probably met with the greatest number of supporters is that which traces it back to times anterior to the sixteenth century, and declares it sprung from the excessive landed property of the Church in those parts previous to the Reformation. According to the advocates of this theory the lands in the

possession of the monasteries were so large as to exceed the capabilities of the monks to bring them under proper cultivation. It therefore became a common practice for the monasteries to grant leases of lands which had either never within the historic period been tilled, or which had been allowed to return to their natural state. These leases were usually granted for a term of six years, and as the tenant undertook to make every improvement at his own expense, the rent was placed at an extremely low figure. Even then such terms of tenure could never have been greatly to the advantage of the cultivator, who at the end of his lease, finding he had received but a small return for the expense to which he had been put, naturally clung to the land and insisted on a renewal of the lease. Land being in those days plentiful compared to the hands available to cultivate it, the monks had to yield the point, but not until they had received a douceur, which came by habit to be looked on by both parties as a *sine quâ non* to the renewal of every lease, and was usually equal to a year's rent. On this condition the lease, which was a written one, was renewed for another period of six years; and so again time after time. As the estates let out in this manner increased in value and productiveness, the proprietors sometimes managed to obtain an increase of rent, though often this was compounded for an extraordinary present, such as on the marriage of a tenant, or when a son succeeded to the possession on the death of his father. This, too, gradually came to be looked on as a right by the proprietors, who refused to acknowledge the validity of the succession, the marriage of the tenant, or the legitimacy of the children on any other conditions. These different presents or offerings were called and still bear the name of "Geschenk." But no gratification of the kind would induce the proprietors to renew the lease except to a direct descendant of the last tenant. If, therefore, a tenant died childless the use of the farm reverted to its owner. In the same way, no tenant could sell his right of tenancy, or "Beklemrecht" as it was called, to another. Neither was it allowed to divide a farm amongst the children of a deceased tenant. On this point the proprietors were inexorable; they sought ease and simplicity above all things; they had no wish to have to do with half-a-dozen tenants instead of one; there was but one original lease, and whatever private family arrangements might be made among the children, but one hand held the title deed, but one name was inscribed on their rent-roll, and they accordingly acknowledged but one responsible tenant.

All these restrictions clearly betoken a state of things in which, on the one side, there was the farmer a *de facto* holder for himself and his direct heirs in perpetuity of an estate in which he had deep interest, and at a rent below what it was worth, but on a title which he knew to be faulty; and on the other side, the proprietor conscious of his weakness, unable to evict his tenant, and glad to compound with him for an occasional small rise in rent and a more frequent and regular gratification.

Then came the Reformation, and with it the suppression of the monasteries, the dispersion of their occupants, and the confiscation of their possessions to the State, which in those days was the province. The province thus found itself the legal possessor of immense estates producing but a limited revenue, and held by a class of men who had long ago learned to look on themselves as irremovable. But the State was stronger than the Church had proved itself. There was a single "Rentmeester" charged with the administration of the domains, to whom all petitions and memorials on the part of the "Beklemde Meijers," as the tenants were termed, were referred, and by whom they were adjudged on the principles most in accordance with his own views and the interests of the masters whose servant he was. Without the guidance of any laws applicable to the system, he had to give a written decision on every separate case brought before him. These decisions, or "Staatsresolutien," which are still in existence and have recently been published, were quoted and relied on in the same way as are previous judgments in English law. The Netherlands Civil Code, which was revised from the Code Napoleon in 1838, contains but one allusion to the "Beklemrecht;" it is in Article 1654, which reads thus:—"The 'Beklemrecht' and the perpetual 'Beklemrecht,' born of private agreements or established by other legal means, are regulated by the conditions in the agreements and stipulations themselves, and, in default of any such, by the customs of the place." Seldom was more formal confession of inability or reluctance to deal with a vexed question.

But to return to an earlier date. Towards the middle of the last century it was decided to alienate the provincial domains, and accordingly they were nearly entirely disposed of to individual proprietors about this time. The "Meijers" thus found themselves once more with fresh landlords, and lost no time in again trying to secure the boon they had in vain been striving during more than two centuries to obtain, that is to say, an acknowledgment on the part of the landlords that their lease was a perpetual one,

and not terminable every few years. The new proprietors on their part, reluctant to engage in lawsuits, and eager to put an end to the long-standing dispute, showed themselves in many cases ready to meet the views of their tenants. In lieu of the old leases new ones were frequently granted, containing the long-sought-for perpetuity clause, coupled with the obligation, now made one of the conditions of the lease, of the succession and marriage offerings. In many cases tenants had, however, to consent to an increase of rent. By the terms of the new leases, the holding was secured in perpetuity to the "Meijer," and after him to his lawful heirs in direct (ascending as well as descending) or collateral line. There was made this difference, however, that the lawful heirs in direct descending line paid a "Geschenk" of only one year's rent on succeeding to the tenancy, whereas other relatives were made to pay double. Similar payments had to be made on the marriage of the tenant, or, if already married, on his taking possession of the farm. In virtue of this payment the wife became a "co-Meijer" with him, and in the event of his death, had a prior claim to the tenancy to any other person, including the children. The "Meijer" had also the faculty reserved to him of disposing of his "Beklemrecht," or tenancy, in which case both the purchaser and the seller had to pay to the proprietor of the land a "Geschenk" of one year's rent. But the old rule, which prohibited the division of an estate, was strictly adhered to, and but one individual was held to be the responsible tenant.

Such were the most striking features of the new leases in perpetuity which were first granted towards the close of the last century, and which, down to the present day, are continually being substituted for the old ones. The greater portion of the farms in Groningen are now held on these terms, though there is also a large number still held under the old form of lease, in which cases all conditions of tenure not expressly defined in the lease are still determined in law according to the "Staatsresolutien." But, in point of fact, the "Meijer" holding under the old lease enjoys much the same privileges that have been formally secured by the new lease. There are few proprietors, for instance, who put themselves to the trouble now-a-days of renewing the leases every six years, except in those cases where the periodical renewal is, by the express stipulation of the lease itself, made indispensable. Even then, the accompanying "Geschenk" is no longer looked for; and rare, indeed, are the instances in which a landed proprietor, availing himself of his legal though disputed right, incurs the odium of turning off a tenant whose ancestors from time immemorial have held the farm which he still cultivates, and on which every building, ditch, sluice, fence, or other improvement has been made at his own or his predecessor's expense. It may, therefore, be stated that practically the whole of the tenant farmers of Groningen hold under interminable leases, subject to the payment of a small annual rent in addition to certain obligations on specified occasions, such as marriage or succession. So thoroughly is this the recognized custom of the Province that a proprietor desirous at the present day of disposing of land hitherto held exclusively by himself will do so on the "Beklemming" system. He will sell for a certain lump sum the "Beklemrecht" to a farmer desirous of taking the land on an interminable lease, subject to the usual conditions of rent and "Geschenk," and he will still have the proprietorship of the land, representing an income equal to 2 or 3 per cent. on its previous value, which he will now sell at a reduced price to some capitalist.

The foregoing is a light, though, I have every reason to hope, an accurate sketch of the "Beklemming" system of tenure in Groningen, which, though differing in its origin, will be recognized as bearing in its present development a considerable resemblance to the English copyholds with their quit rents and fines. Farms held under this tenure are cultivated, in most respects, as those already described as farmed by proprietor farmers. The farms themselves are not so extensive as reckoned in acres as in many other parts, for they vary from 50 to 150 acres, but the land is richer, and the farms do not often comprise woods, peat grounds, commons, and other uncultivated tracts, as they frequently do in other parts of the country.

With this, I think, I had better terminate a Report which has already exceeded the limits which I originally assigned to it, and which, being on a dry subject, ought at least to have possessed the redeeming point of brevity. I have endeavoured, not, indeed, without much kind and valuable help from others far better acquainted than myself with such details, to answer fully and to the point the several queries put to me, nor have I sought to intersperse my replies with more readable matter. The result is certainly not calculated to engage the attention of a disinterested reader. I can only hope that it may not prove utterly valueless in the opinion of those for whom I have written.

(Signed) SIDNEY LOCOCK.

No. 19.

Lord A. Loftus to the Earl of Clarendon.—(Received November 1.)

My Lord, *Berlin, October* 27, 1869.

WITH reference to your Lordship's Circular despatch of the 26th of August last, inclosing a series of questions relating to the laws and customs affecting the tenure of land in Prussia, the answers to which your Lordship directed should be embodied in a Report to be drawn up by Her Majesty's Secretary of Embassy, or failing him by the Second Secretary, I have the honour to state that, in consequence of Mr. Petre's time being so fully occupied with his official duties and with the preparation of a Report which he had already commenced on a subject connected with the condition of the artisan and industrial classes in Prussia, I charged Mr. Harriss-Gastrell to draw up a Report in accordance with your Lordship's instructions, a duty which he has already partially accomplished.

The plan which has been adopted by Mr. Harris-Gastrell is to divide his Report into five parts:—the first, Introductory; the second, a Sketch of Prussian Legislation, past and present, affecting Land; the third, relating to the Distribution, Population, and Cultivation of Land; the fourth, containing brief answers to the Questions, and giving reference to fuller information contained in other parts of the Report; the fifth, and last part, containing Results of Personal Observation and Inquiry in particular Districts.

I have now the honour to transmit to your Lordship copy of a letter from Mr. Harriss-Gastrell inclosing Parts I and II of his Report, and in doing so I beg particularly to draw your Lordship's attention to the summary which is given in Section D of Part II of the Prussian Legislation, past and present, affecting the tenure of land, with a review of its general results.

I also take this opportunity of testifying to the great industry and zeal which Mr. Gastrell has shown in collecting and sifting materials for his Report, in order to furnish Her Majesty's Government with the fullest possible information upon every point connected with so important an inquiry.

I have further the honour to inclose the copy of a despatch, dated 12th October, which I have received from Her Majesty's Consul at Königsberg forwarding replies to the queries which I transmitted to him regarding the tenure of land in East Prussia.

I have, &c.

(Signed) AUGUSTUS LOFTUS.

Inclosure 1 in No. 19.

Mr. Harriss-Gastrell to Lord A. Loftus.

My Lord, *Berlin, October* 27, 1869.

I HAVE the honour to state that I have lost no time in collecting materials for a Report upon land in Prussia, and that I am still giving my best attention to this subject, in accordance with the instructions in the Earl of Clarendon's despatch of the 26th of August last, marked Circular, to which you directed my attention.

I have also the honour to place herewith in your Lordship's hands, for transmission to the Earl of Clarendon, the first and second parts of my Report. The first part contains merely a general introduction to the whole subject; but the second part deals, I fear with much imperfection and many shortcomings, with the important subject of the National Agriculture legislation of, and the other legislation affecting land in, Prussia. The remaining parts of the Report will contain that kind of information as appertaining rather to the purely agricultural conditions than to the legislative conditions of the land question, which forms the subject of many of the questions set forth in the list of questions inclosed in the Earl of Clarendon's circular despatch.

But I hasten to place now in your hands, rather than await the termination of my inquiries into those agricultural conditions, the part which I have prepared on the legislative conditions of the land question in Prussia, inasmuch as they form a distinct portion of the investigation and as they may be of immediate use for purposes of comparison with the conditions of the land question in Ireland. Since I am personally little acquainted with that vital question of our national economy, I have preferred to restrict myself to ranging over the whole field of inquiry here, and to collecting as fully as possible within the brief time accorded every variety of information therein. I beg to observe to your Lordship, that I have interpreted the instructions of the Earl of Clarendon to mean that

the writer of this Report should endeavour to draw such a picture of the land question in Prussia, as should enable the readers of the Report to ascertain whether or not any main features or any chief or subordinate details might be profitably studied for use in Ireland. I have considered that this object would be most practically attained; first, by epitomizing the materials of the land question for the readers who shall honour my Report with perusal, and then by introducing brief summaries of the results obtained in Prussia, and by adding a few general observations on the chief points of interest. I have accordingly adopted this plan.

One word as to the outward form of my Report. As your Lordship knows, I have had comparatively little time in which to collect and condense the materials for this Report. As also your Lordship is aware, the difficulty of my task has been much increased by the necessity of reading up the subject, with all its technicalities, in a foreign language, before it could be epitomised in my own tongue. Moreover, I have neither the pen of the ready writer, nor the vocabulary of the practised writer. For these reasons I must, therefore, beg indulgence not only for any disconnection of subject, but also for any crudeness of style, and for any want of fluency in composition, which may be frequently perceptible in my Report. I must also beg indulgence for any imperfections in the treatment of, and especially any defective acquaintance with the technical language of, those numerous portions of the inquiry, of which my previous knowledge was limited to the current knowledge of daily life.

I need not assure your Lordship that I shall allow no unnecessary delay to occur in the preparation of the remaining portions of my Report.

Your Lordship will observe from the plan of my Report, as stated in the introductory paragraph, that it is my intention to append to it a list of the books and publications I have consulted. I may, however, be permitted to acknowledge here the obligations under which I am to many authors of general and technical treatises, and to state that I have freely used the official publication issued by the Prussian Government under the editorship of Dr. Meitzen on "Land and its Agricultural Relations in the Prussian Monarchy before 1866."

I have, &c.
(Signed) J. P. HARRISS-GASTRELL.

Inclosure 2 in No. 19.

Report upon Land in Prussia.

Large area of the inquiry.

1. A REPORT upon Land in a State, whose agricultural constitution is uniform and not varied, would from its wide-reaching branches cover an enormous area of inquiry. But a Report upon Land in a State like Prussia, whose agricultural constitution has been much varied and is still not uniform, must necessarily cover a yet larger area of inquiry. And not only is the area of inquiry thereby enlarged, but the difficulty of inquiry is also increased. It will therefore be desirable to examine each branch of the subject separately and with sub-divisions, in order that it may be easily seen in which branches and in which sub-divisions that difficulty of inquiry may have interfered with obtaining complete information, and in order that it may be more easily determined in which direction to prosecute subsequent inquiries on points of interest.

Plan of the Report.

2. Accordingly I propose to distribute this Report into five parts. In the first part I shall assemble some introductory observations and statistics of a general character. In the second part I shall give a sketch of the history and present state of the legislation affecting land. In the third part I shall endeavour to delineate historically and actually the agricultural conditions of land, and I shall sub-divide this part into the distribution, population, and cultivation of land. In the fourth part I shall give short answers to the list of questions with references to the paragraphs of the Report, in which the fuller information may be contained, and shall touch upon any subjects of interest which may not have been treated in any previous part of the inquiry. In the fifth and last part the results of personal observation in the Provinces will be recorded. I also purpose, instead of making frequent references to my authorities, to append to the Report a list of the books consulted. Finally, I purpose to preface the Report with a table of contents to facilitate references, and to append to it an explanation of German terms, for which a word will have been often arbitrarily selected in order to avoid the frequent repetition of several words or of a phrase which would alone render the meaning in English.

Part I.—General Introduction.

3. This is a Report upon land in Prussia, and not upon land in the North German Confederation. It is however intended in a subsequent Report to note, if time and opportunity permit, the chief points of interest in such countries—as Mecklenburg for instance—which are within, so to speak, the district of this Embassy. This is a yet more restricted Report, for it is a Report upon land in the Prussia before 1866 and not in the Prussia since 1866. It is likewise intended in a supplementary Report to record briefly the chief points of interest—and there are some of importance—in the agricultural constitutions of the newly-acquired provinces. This Report will then be a Report upon land in Prussia, including only the eight old provinces of East and West Prussia, Pomerania, Brandenburg, Posen, Silesia, Saxony, Westphalia, and the Rhine. But it will, of course, be understood that the word "Prussia" will have a varying meaning, as to the territory it includes, according to the period of her history, to which any particular part of the Report may refer. It will be used as denoting the Monarchy at the date, to which the circumstances treated of in any given part of the Report belong.

4. These preliminary remarks being made, it is necessary for marking out the area of inquiry over which this Report should extend to call to mind the general tenor of the Earl of Clarendon's circular despatch of the 26th of August last, and the general bearing of the questions inclosed therein. It will accordingly be desirable to give a general account of the Kingdom of Prussia, and to preface this account by a brief statement of the relative importance of Prussia as a State.

(A.)—The relative Importance of Prussia as a State.

5. This relative importance can be best shown by noting cursorily her political and social relations in comparison with those of other European States, of other German States, of other Zollverein States, and lastly, of other States of the North German Confederation.

(*a.*)—*In Europe.*

6. Since 1815 the proportion of absolute Monarchies in Europe has fallen from 78 per cent. to 10 per cent. Prussia, by being more or less constitutional since 1848, has assisted in diminishing the former proportion. Her Parliament is distinguishable from the Parliaments of many other States by its practical equality, and neither practical nor scarcely theoretical liberty of action. The House of Lords belongs to the small category of Upper Chambers, in which a third of the Members represent merit, and a half only of the seats are hereditary. The Lower House is distinguishable by the system of election, which consists in indirect election and in separating the electors into three classes. Prussia is distinguishable from all other States by the practice of Universal Suffrage in her Parliamentary elections, except from France, Switzerland, and Denmark, and the newly-erected Confederation of North Germany, and quite recently from Spain. It appears that 20·8 per cent. of the inhabitants are electors, but only 30 per cent. of these voted in 1867. In France and Switzerland only is the proportion of electors higher; but, with few exceptions, the proportion of voting electors is higher in other countries. In England about 9 per cent. are electors, and of these only 41 per cent. appear to vote. Prussia is one of the large majority of States, in which the proceedings of the courts are public and the institution of a jury exists. As to her political and administrative organization it is impossible to institute a comparison with other States; but, as compared with other States, Prussia must be allotted, if not a high place for the wholesome influence of that organization, at least a good place in the scale.

As to her Parliament.

As to Organization

7. In extent of territory Prussia is now seventh in rank, having since 1866 taken precedence of Great Britain. But the relative proportion of population is of far more importance than the relative extent of territory. This relative proportion is 177·8 inhabitants per square mile. Belgium and Saxony have more than double that proportion; but even amongst the eight large States she has only a middle place for density of population. On the other hand, she is peopling her territory at a faster rate than any other State except Saxony and Norway, and than any other of the eight large States. If the rate of progression of past years were continued "Prussia would," as M. Block remarks, "have nearly quadrupled her population in the 160 years it will require for France to double her population." But the rates of progression diminish as the density of population increases. The converse is however not true, for rareness of population does not necessarily increase the ratio of progression, as witness Russia. The questions grouped around this question of population are interesting for estimating the future position of Prussia amongst nations; but for the purposes of this report it has been

As to Territory;

And Population.

s to Poor.

necessary only to indicate her relative importance in territory and population amongst the European States.

8. As regards the proportion of poor persons,* which in Europe is 1 in 30, Prussia takes a middle place, for she has 1 in 34; whereas, for instance, Holland has 1 in 7, Belgium 1 in 8, Switzerland 1 in 20, and Great Britain and Germany each 1 in 22. The other countries who in this respect precede her are Saxony, Spain, Denmark, Portugal, Sweden, France, Norway, Bavaria, and Italy. Austria follows her closely, having 1 in 35. But as to the tendency to increase or decrease of the proportion of poor, Prussia's position is by the latest accessible statistics slightly unfavourable, for her proportion in 1852 was 1 in 36, whereas in 1861 it was 1 in 34. In a similar period Holland had considerably diminished her poor. The diminution which had been taking place in Great Britain was checked by the cotton famine. The statistics of the Prussian census of 1868 may show a different tendency, in spite of the famine in East Prussia.

s to Rural opulation.

9. But if there be any portion of comparative population statistics, which more than any other shows the importance of Prussia amongst other countries in connection with the question of land, it is the relative proportion of her rural and urban population. Her urban population was 30 per cent. and is now 29 per cent. France has about the same proportion, but with the exception of Austria, and of course of Russia, no other large State has so great a per-centage of rural population.

s to Finance.

10. As to the relative financial position of Prussia the first noteworthy fact is, that she alone of the great States needs only to levy in taxation a little more than one-half of her nominal expenditure. The proportions of her revenue are as follows:—From the Crown lands, Crown railroads, and other property, 44 per cent; from direct taxation, 19 per cent.; and from indirect taxation, 37 per cent. Even Russia can thus provide only 14 per cent. Consequently, as compared with other States, Prussia raises by taxation only a small portion of her revenue, and the burden of the national expenditure is thus, at any rate apparently, lighter. Whether or not she would do well to rid herself of the Crown properties is another question. The tax-payer of Prussia is also less heavily burdened than the tax-payer of most other large States, if the taxation per head be regarded, for he of Prussia pays about 16*s.*, whereas he of Great Britain pays about 41*s.*, and he of France about 27*s.* Prussia's position in respect of the aggregate public administrative expenditure will be seen from the following figures:—

s to Taxation per ead.

	Administrative Expenditure.			Total.
	In the Budget.	By Provinces.	By Communes.	
	£	£	£	£
Great Britain	86,000,000	22,000,000		108.000.000
France	72,000,000	7,000,000	28,000,000	107,000.000
Russia	65,000,000	Unknown		80,000,000 (?)
Austria	46,000,000	Unknown		70,000.000 (?)
Italy	40,000,000	25,000,000	11,000,000	76.000,000
Prussia	36,000,000	600,000	3,600.000	40.200.000

s to National)ebt.

It is therefore obvious that the subject in Prussia pays relatively less than in most large States and much less than in Great Britain and France, for the necessity and luxury of being governed and administered; and it will be recollected that the extraordinary and extraneous items included in the receipts to cover the 36,000,000*l.*, are much higher than the corresponding ones of the Budgets of other countries. As regards the proportions of direct and indirect taxation, Prussia takes a middle place, providing one-third of the necessary amount by direct and two-thirds by indirect taxation, whereas Italy makes about equal use of direct and indirect taxation, and Great Britain makes the least use of direct taxation. Last but not least in this financial comparison of Prussia with other States is the smallness of her national debt. It is a charge of scarcely over 2*s.* 9*d.* per head per annum, whereas in Great Britain it is 16*s.* 6*d.*; Italy, 14*s.*; France, 10*s.*; and in most other countries higher than in Prussia. In fact, Prussia is the only great State in so exceptional a position, and only Norway, Sweden, and Switzerland are from this point of view in a better position. From another point of view too Prussia's position in respect of her national debt is enviable. It is scarcely double her State income, whereas in Holland it is 12 times, in Great Britain nearly 9 times, in Austria 8 times, and in France 6 times the State revenue. With regard to her national credit Prussia is not so high in the scale, for in this respect Great Britain is still first, and France, as well as some smaller countries, precede Prussia. It will be interesting, in connection with this subject, and as

\s to Tax-paying apability.

* By "poor persons" are not meant paupers only, but the *poor* also whose means of subsistence are more or less precarious. "Poor persons" is used in contradistinction to the more monied classes, *i.e.*, the "rich persons" and the "well-to do persons."

showing the relative tax-paying capability of the population of the several countries, to reproduce from M. Maurice Block the following Table, which he considers to be merely approximative:—

	Average Income.	Average Taxation.	Proportion.
	Francs.	Fr. c.	Per cent.
United Kingdom	685	51 31	7·49
France	598	33 98	5·68
Prussia	455	19 24	4·23
Austria	375	15 0	4·00
Russia	161	14 91	9·26
Italy	125	19 6	15·65

As to Agriculture.

11. If the relative importance of agriculture in Prussia and other States be compared, the following Table, according to M. Block, can be constructed:—

	Agricultural Population to Total Population.	Average Returns per Hectare of Corn.	Head of Cattle per 1,000 Inhabitants.	Head of Cattle per 100 Hectares.
	Per cent.	Hectolitres.	Number.	Number.
Russia in Europe	85 to 90	16·0	693	86
Italy	77	16·0	291	249
France	51	14·6	494	346
Belgium	51	19·3	402	660
Prussia	45	19·8	540	369
Austria	25	16·0	635	307
Spain	25	16·0	316	151
Holland	16	23·0	492	539
United Kingdom	12	40·8	515	478

As to Commerce.

12. For estimating the relative importance of manufacturing industry, there are no such even approximative figures at hand as the above, but Prussia's position amongst the large States in respect of commerce can be judged from the following figures:—

	Commerce.		Commerce.		Increase.
	Year.	Millions of £	Year.	Millions of £	
					Per cent.
United Kingdom ..	1856	356	1866	534	50
France	1856	126	1866	254	100
Zollverein	1857	106	1867	153	50
Italy	1857	58	1866	60*	..
Austria	1856	56	1866	48*	..
Russia	1856	45	1865	52	15

As to Railways.

13. Before concluding this cursory comparison of Prussia with the other large States, it is desirable to note the fact that she has increased her facilities of transfer by means of railways at a relatively small expenditure and is also in this respect in a favourable position, as the following Table will show:—

	Length.	Expenditure.	Per Mile.
	Miles.	£	£
Great Britain	13,900	626,000.000	44,800
France	9,740	300,500,000	30,750
Prussia	5,615	98,300,000	14,000
Austria	4,230	70,000,000	16,500
Russia	3,790	60,000,000	16,000
Italy	3,070	80,000,000	26,500
Spain	3,050	66,000,000	21,900

As to several matters.

14. In conclusion Prussia has, in respect of the following details, a first place for increase of population in the last fifteen years; for the relative number of agricultural associations; for the increase of commerce; for the relative length of her navigable rivers; for the relative number of her primary schools, and for the number of her higher schools; and for the number of those who can read and write. But she has also a first place for the relative strength of her military forces, with their resulting loss of some 90,000,000 of days of labour. Prussia has a second place for rareness of crime; for extent of cultivated land; for relative produce in cereals; for the net returns of her agriculture; for the

* In these cases no increase can be calculated, as the extent of territory was changed.

absolute number of her agricultural associations; for the relative number of savings' banks, of depositors, and of relative amount of deposits; and for the relative number of many kinds of charitable institutions, such as hospitals, orphanages, deaf and dumb asylums, &c.

15. It will have been seen from this brief review of Prussia's position in relation to the position of other European States, that it is in many important points favourable to the development of the national wealth and to the advancement of the national weal. This relatively favourable position must not be lost sight of in trying to trace the causes of her prosperity, and must be quoted in opposition to any attempt to attribute her development during this century to this or that set of causes, even if the set of causes be the justly praised National Agriculture Legislation of Stein and Hardenberg. Three inferences can be safely made from the foregoing premises, viz.: that it is of more vital importance to Prussia than to some other States to have a sound agricultural constitution; that it is consequently probable that her necessities as well as her enlightenment will have taught her which is the soundest form of agricultural constitution; and that however much that constitution may differ from the constitution of other States, and however little it may suit the existing circumstances in another State, yet it is worthy of deeper study than can in this Report be bestowed upon it.

(b.)—In Germany.

16. In considering Prussia's position in Germany it is unnecessary at present to compare her with Austria. It will be observed also that in stating her relative importance in Germany, thus defined, her relative importance in the Zollverein will also be practically therein comprehended. The result of the wars, at the end of the last and the beginning of this century, was to deprive Germany of 570 square geographical miles and to invest her with 763 square geographical miles of territory, so that she remained with an increase of 193 square geographical miles. By the changes effected Prussia profited largely. She had in 1866, 5,070 square geographical miles out of the 9,675 square geographical miles of Germany. By the annexations of 1856 she now possesses 6,373 square geographical miles. As regards population the following Table will show Prussia's position at various dates.

As to Territory.

As to Population.

	Inhabitants.	To the square Geographical Mile.	Inhabitants.	To the square Geographical Mile.	Annual Increase.	Inhabitants.	To the square Geographical Mile.	Annual Increase.
	1816.	No.	1837.	No.	Per cent.	1858.	No.	Per cent.
Prussia	10,425,091	2,043	14,160,063	2,774	1·70	17,739,913	3,476	1·21
Bavaria	3,560,000	2,566	4,315,469	3,110	1·01	4,615,748	3,327	0·33
Saxony	1,200,000	4,413	1,652.114	6,076	1·79	2.122 148	7,805	1·36
Hanover	1,305,351	1,868	1,688,288	2,416	1·40	1,844,651	2,640	0·41
Wurtemberg ..	1,395,462	3,939	1,611,317	4,548	0·74	1,690,898	4,773	0·24
Baden	1,000,000	3,592	1,264,482	4,542	1·26	1,335,952	4,799	0·27
Rest of Germany ..	4,217,307	..	5,298,978	..	1·22	5,985,228	..	0·61
Total . ..	23,103,211	2.413	30,010,711	3,134	1·42	35.334,538	3,690	0·85

In density of population the Prussia of before 1866 was twelfth amongst the German States, Saxony being at the head and Mecklenburg being last. The rate of increase has been in favour of Prussia ever since 1816; but Saxony has peopled her territory rather more quickly. On the other hand, Hanover, Bavaria, and Wurtemberg had scarcely advanced from 1837 to 1859. As regards religions, Prussia has a middle place: Mecklenburg, Saxony, Brunswick and Wurtemberg for instance containing more Protestants than Prussia.

As to Religions.

17. The relative importance of the agriculture of Prussia and of the other German States can be seen by the following Table, condensed from Dr. Viebahn's work on the Zollverein:—

As to Agriculture.

	Price of Rye.	Cereals.	Per Acre.	Other Produce.	Per Acre.	Meadows and Pastures.	Per Acre.	Total Raw Produce.	Per Acre.	Net Returns from Soil.	Per Acre.
	Sgr.	Millions of Thalers.	Th.	Millions of Thalers.	Th.	Millions of Thalers.	Th.	Millions of Thalers.	Th.	Millions of Thalers.	Th.
Prussia	39	242·432	12	163 381	15	46·119	4·5	451·932	10·5	116 552	2·6
Bavaria	42	61·933	13	30·860	16	27·730	7·5	120·523	10·5	35 845	3·1
Wurtemberg . ..	43	33·011	25	11 879	21	5·870	9 0	50·760	18	12·179	4·2
Baden	44	16·564	22	12·119	19	4·633	7·5	33·316	16	7·776	3·7
Saxony	44	23·516	21	14·902	18	5 051	9	43·469	18	11·134	4·5
Brunswick	42	4·213	16	2·707	16	0·546	7·5	7·466	15	2·203	4·5
Rest of Germany ..	43	109·087	..	59·608	..	26·968	..	195·663	..	51·004	..
Total . ..	40	490·756	9	295·456	16	116·917	4·5	903·129	10·5	270·693	2·8

	Per Acre	Agricultura and Garden Land.	To Total Net Returns.	Per Acre.	Forest Lands.	To Total Net Returns.	Total Net Returns.	Per Acre.	Capital Multiplier.	Capitalized Value.	Per Acre.
	Th.	Millions of Thalers.	Per cent.	Th.	Millions of Thalers.	Per cent.	Millions of Thalers.	Th.		Millions of Thalers.	Th.
Prussia	5	121·354	89	1	14·943	11	136·297	2	26	3,595·205	57
Bavaria	5	37·561	80	1·5	9·427	20	46·988	2·6	25	1,174·700	64
Wurtemberg ..	8	13·825	85	1·7	2·525	15	16·350	3·5	26	427·100	90
Baden	7	8·464	69	3	3·826	31	12·290	3·5	25	307·250	89
Saxony	9	12 134	79	2·5	2·868	19	15·002	4	33	495·066	136
Brunswick ..	7	2·344	84	1·5	0·445	16	2·789	3·5	26	72·514	89
Rest of Germany ..	..	54·137	..	..	10·701	..	64·838	..	..	1,751·180	..
Total ..	6	249·819	85	1·3	44·735	15	294·554	2·5	..	7,823·015	66

18. Similarly, the relative importance of the industry of Prussia and other German States can be seen from the following Table:— As to Industry.

	Manufacturing Industry.		To 1,000 Inhabitants.		Total Industry.	
	Factories.	Persons employed.	Factories.	Workmen.	Trades, &c.	Persons employed.
	No.	No.	No.	No.	No.	No.
Prussia	79,529	680,125	4	37	619,775	1,794,060
Hanover	6,949	46,190	4	24	74,731	170,063
Bavaria	37,967	163,572	8	35	209.109	511,766
Wurtemberg	19,231	85,867	11	49	99,862	234,990
Baden	6,764	62,827	5	46	56,255	155,848
Saxony	11,357	213,600	5	96	82,216	412,527
Rest of Germany ..	28,803	208,538	..	..	197,941	501,116
Total . ..	190,600	1,420,719	5	41	1,339,889	3,780,370

19. In the last place there is Prussia's position in the North German Confederation. This is scarcely a relative position; it is a preponderating position in nearly every respect. If in respect of population, agriculture and industry, Bavaria, Wurtemberg and Baden be eliminated from the foregoing respective Tables, it will be at once perceived how preponderating her physical power is. Her political power is not less preponderating. Her political position in the North German Confederation is not a subject relevant to this Report; but her predominant political position has been ably sketched by a writer, who is evidently well acquainted with his subject, in a recent number of the "North British Review," in an article on the Reconstruction of Germany. In the North German Confederation.

(B.)—The Political Economical, and Social Conditions of Prussia.

(a.)—*Introductory.*

20. In the principles of political economy which prevailed in the Government of Prussia, as of many other German States, is to be traced from an early date the influence of the inferences which were widely made from the successful administration of Colbert in France. The chief defect of that administration was the want of a due consideration for the interests of agriculture, and especially for agricultural organization. The chief defect in the principles of political economy, by which Prussia was governed, was likewise the want of a due consideration for the interests of agriculture and for agricultural organization. A revolution applied a violent remedy to the evils which resulted in France. A legislation applied a radical but gentle remedy to the evils which resulted in Prussia. But, except in not dealing sooner with the oppression and obstructiveness of the feudal system, the Hohenzollerns displayed a praiseworthy aptitude for understanding and turning to account each more advanced principle of government as it became known or practised in another State. Before Adam Smith became known in Germany, Prussia was already in advance of other German States. A Frederic the Great could exclaim, "I am tired of governing slaves;" and a Frederic William III could decree, "The State is not rich enough to pay inactive and idle members." On the other hand however Prussia was far behind in the adoption of sound principles of political economy. There was not only an unsound agricultural organization, but also a system of restrictions, prohibitions and monopolies which fettered the forces of the nation. The mercantile system flourished. The administration of the country was in some respects deplorable. Partial efforts had been made to remedy some of these evils. A Jena came to quicken the energy of the Executive and to numb the opposition of interested parties, so that Stein and Hardenberg, with numerous coadjutors, were enabled to inaugurate a new era not only of agricultural organization but also of an organization in other respects more in accordance with the principles of political economy. Thus, in 1808, the towns received an independent and better

Influence of Colbert's Administration.

Its defects.

Discernment of the Hohenzollerns.

Defects in the Prussian economy.

Remedies.

local government; in 1807 the equality of all classes in taxation was recognized; in 1808 an industrial reform was decreed; also in 1808 the political and local administration of the State was radically reformed; also in 1808 the administration of justice was separated in the provinces from the political administration. Various monopolies and restrictions were abolished; various taxes were repealed, and others were lessened; a new customs system was established, and greater freedom of internal as well as of external traffic was thereby promoted. The reform of the laws affecting the wage-receiving classes was of importance. So was many another law to which the new era gave life. But this brief and incomplete enumeration is the only notice which can be here given to these numerous acts of legislation, which since the beginning of this century have, apart from the legislation directly or indirectly affecting land, contributed in a very great measure to the present prosperity of Prussia. That legislation relative to land forms the subject of the subsequent part of this Report; but it must always be borne in mind that an enlightened collateral legislation advanced side by side with that legislation, and promoted the development of the national wealth and the increase of the national weal.

(*b.*)—*Her Political Organization.*

Parliament.

21. In a previous paragraph (No. 6) the Prussian Parliament has been noticed. It will suffice to add to that notice the following interesting facts. Out of 19,000,000 inhabitants in 1866 more than 3,500,000 were electors. These elected 70,496 electoral delegates, who returned the members of the Lower House. In the last election, as has been already observed, about 30 per cent. of the electors voted. Sometimes this percentage reaches to 35, but I can hear of no instance of half of the electors exercising their power of voting. The voting is public, and it appears from some statistics of 1863 that out of every 100 voters—

48·8	voted for the	Liberal Party.
30·6	„	Conservative Party.
2·0	„	Catholic Party.
11·9	„	for the Polish Party.
6·7	unknown.	
100		

In the towns the Liberals possessed 67 per cent. and the Conservatives about 20 per cent.; whereas in the country the Liberals and Conservatives obtained 75 per cent. equally divided amongst them.

Division of Territory.

22. The political distribution of the territory is by Provinces, divided into Provincial Districts ("Regierungsbezirke"), containing the smaller Departments ("Kreise"), into which enter the Town Communalties ("Stadtgemeinden"), *i. e.*, Municipalities, and the Country Communalties ("Landgemeinden"), *i. e.*, municipal institutions for rural districts, which are unknown to our national economy. The Provinces have their Representative Councils. Usually they consist of members who own Privileged Estates ("Rittergüter") or who represent the Town and Country Communalties; but in Silesia, Saxony, Westphalia, and the Rhine Province there are some special rights of membership belonging to nobles. The smaller Departments ("Kreise") have also their Representative Councils, as likewise the unions of Communalties. The local administration of the Country Communalties in the six Eastern Provinces requires a great reform. A reform of the administration of the smaller Departments ("Kreise") is now under debate in the Chambers. It is curious to note how rapidly public opinion gains strength. The present Bill for this reform is much more liberal although proposed by a Conservative Government, than the Bill rejected a few years ago, yet it by no means satisfies the Liberal party. It may be so liberalized by them that the House of Lords will reject it, and that soon a still more radical reform will be carried. Public opinion in Prussia seems to have made such rapid strides, that as soon as any part of an old institution is touched the institution itself disappears. There appears to be no middle course between letting it alone and replacing it by a new institution. This Bill is the battle-ground between the old principle of privileges inherent in the land and the new principle of representation apart from special privileges for landowners. In the course of this Report frequent references will occur to Privileged Estates ("Rittergüter"). These are estates, belonging now or formerly to noble families, which carried with them certain privileges as appertaining to the possession of the land.

"Rittergüter."

23. These privileges or political rights of the land require a brief special notice. They consist partly in the rights of judicial administration by landowners—(another form of our Justice of the Peace?)—partly in a special position in the corporate representation of the departments and provinces, and partly in an extended constitutional capability of

holding seats in the Legislature of the State. Upon these privileges are based the so-called "Rittergüter," which by the Prussian General Body of Law could only be held by nobles. The national agriculture legislation destroyed this exclusive right of holding in respect of such lands, but did not expressly destroy the privileges attached to the possession of such estates; but gradually these privileges have been lessened. On the Rhine and in Westphalia the judicial privileges were abolished by the French, and were only partially re-established under Prussian rule; but in the six eastern provinces they maintained themselves till 1849. By a Decree of 1849 and a Law of 1851 they were all abolished; but in 1856 they were mostly re-established for all such lands, except in some extreme cases, such as the minute subdivision of the lands or the sale of them to a country communalty; consequently the police administration is even now in the greatest portion of the country communalties of the eastern provinces still in the hands of the owners of such privileged estates. The owner can himself on duly qualifying for the office perform the police functions of supervision, or he can present to the office. This police administration is in power similar to, but not co-extensive with, the administration of our Police Magistrates or that of our Justices of the Peace. Then there is the yet more general privilege of a special position in the representation of the departments and provinces. Thus, in the Provincial Councils the owners of such estates are 233 to 182 representatives of towns and 124 representatives owning other landed estates. They can usually determine the decisions of the Councils. In the Departmental Councils the influence of the privileged estates is still greater, for the following is the aggregate constitution of these Councils:—

9,483	votes representing	privileged estates.
532	„	other landed estates.
1,329	„	towns.
2,207	„	country communalties.
13,551		

In the next and last place there are the special privileges, as derived from the possession of land, which give seats to certain landowners in the Upper Chamber of the Legislature. Of these, fifty-six seats are hereditary and eleven seats are held by special call to the House.

24. It would be interesting to sketch the chief features of the provincial and departmental organization, and especially to refer to the peculiar institution of County Councillors ("Landräthe") who preside over departments and convoke the councils, but neither time nor the scope of this Report will admit of further reference to such subjects.

The Law.

25. A notice, cursory as it may be, of the institutions of a State, would not however be complete without a reference to its laws. There is scarcely another country which displays so many systems of laws and such diversity in law as Prussia. First there is the common law which is peculiar to Germany; then there are the local modifications of it which constitute Prussian Provincial Law, of which part is now statute law, but part is still common law; then there is the Prussian body of law ("Allgemeines Landrecht") which is a summary of such principles of law, and also a compilation of so much of the common law and of the provincial common or written law, and of the statute law, as were at its date more or less unrestrictedly common to all parts of the kingdom. The common law remained to influence the development of laws, and the provincial laws remained in their diversity to form in many cases exceptions to general common law. The "Allgemeines Landrecht" is therefore strictly speaking no code, neither is it a collection of laws. Consequently it is in this Report arbitrarily translated by the term "Prussian Body of Law." The struggle between the German common law, as crystallized from the customs and life of the people, and the civil law, as originally introduced under the influence of the Holy Roman Empire and subsequently developed by German jurists, is interesting, but can find no place here. It suffices to observe that the influence of the civil law can be traced in many parts of the systems of law to which Prussia has been and is still subject. Even in the Prussian Body of Law, which was fundamentally German law, the civil law can be traced.

"Body of Law."

26. The Prussian Body of Law, which has not been without influence on the rest of Germany, and which was in many respects a pattern of legislation for its age, deserves a rather longer notice. It was promulgated in 1794 in German, which was then recognized as a fit language also for law terms. Parenthetically it may be remarked that, at the present time, the Prussian laws are drawn with remarkable simplicity and clearness and with a praiseworthy absence of old and uncouth and foreign law terms. The Body of Law certainly contained the germs of many a fruitful subsequent law or institution, whatever may have been the defective principles of political economy which it displayed. This will

be shown by a brief sketch of its chief provisions. Serfdom is left to the domain of the provincial laws. Forced service for land was maintained but with indications of abolition. The State is to establish schools in order to instruct the youth of the nation "in useful knowledge and science." Parents are bound to make their children useful members of the State. The founding of guilds is no longer at will but subject to consent of the Crown, and the tendency is not to extend the compulsory powers of the guilds. The State can alter for the benefit of all the bye-laws of such guilds. The double signification of money is recognized. As to real credit the maxim of the civil law, *Plus cautionis in re est quam in personâ*, is followed. The Mortgage Debenture system is amended and improved. The system of indefeasible heritages is confirmed and even slightly extended. Restrictions of entails appear. The acquisition of land in mortmain is rendered more difficult. Divisibility of the land is not forbidden, but restrictions of it are laid down. Many hindrances to marriage are removed and morganatic marriages are rarely admissible in law. On the other hand the Body of Law failed to recognize many principles of political economy which were then well known; but that it does not hold the language of modern political economy is not astonishing, for the first readable translation into German of the "Wealth of Nations" did not appear till 1795, and the German political economists did not begin to write till after the Body of Law was in force.

Subsequent Legislation.

27. The legislation, which has followed in the seventy years since the promulgation of the Body of Law, has been enlightened, and in several respects in advance of that of the most advanced State. To the beneficent influence of such a legislation, apart from that branch of it which is called the National Agriculture Legislation, it is imperative upon all who study Prussia's development to attribute a large share of her present prosperity, a prosperity which has been attained in spite of many a political drawback. The political drawbacks have mostly originated in the political government of the country as distinguished from the internal political administration. This latter has failed mainly in being too centralized and in too minutely interfering with the daily life of the subject. The tendency now is to decentralize to a considerable degree; and self-government, as well as self-help are the corner stones of the political edifice which is being erected.

(c.)—*Her Finances and Taxation.*

Small National Expenditure.

Taxation.

28. It is evident that, other things being equal, the country which is governed and administered more cheaply than another country must be in a better position than that other country. But the comparison is never so simple nor is the inference so clear. Prussia is no exceptional country in this respect; yet, after all due allowance for unequal conditions in the comparison, Prussia is certainly more cheaply governed and administered than many other countries. And it cannot be said that efficiency has not gone hand in hand with cheapness. This fact of a small national expenditure has been noticed in paragraph 10 of the preceding division. A few remarks can be added. The Budget has increased rapidly in amount during the last quarter of a century. It was only about 15*s.* per head of the population in 1844, whereas it is now about 25*s.* per head of the present population. The direct taxation has been increased by 50 per cent., and the indirect taxation by 29 per cent., in order to meet the greater expenditure. Fortunately for the taxpayer, the revenue from the Crown lands and forests had doubled in the same period. The army costs 6*s.* 8*d.* per head instead of 5*s.*; and the national debt 2*s.* 9*d.* instead of 1*s.* 6*d.* Thus the economy of Government and administration is not so great as it used to be, but the national expenditure is probably in about the same proportion to the national wealth as it formerly was. It is not considered that the taxation of Prussia has retarded her progress, or that she is taxed at all beyond her tax-paying powers: yet there seems to be little elasticity in her revenues. On the whole it must be conceded that the national agriculture legislation has also been materially aided by the financial administration of Prussia in its influence upon the development of the nation.

(d.)—*Her Population.*

29. The following five Tables will give the leading points of interest in regard to the population of Prussia:—

(1.)

	1816.	1831.	1840.	1849.	1858.	1864.	1867.
Number of inhabitants ..	10,319,993	13,038,970	14,928,503	16,296,483	17,672,609	19,188,608	19,663,524
Increase per 1,000 ..	..	263	184	132	123	157	46
Number per square geographical mile ..	2,030	2,565	2,936	3,206	3,407	4,775	4,857

(2.)—Table of Population in 1864.

Inhabitants.	Number.	Number Per Square Geographical Mile of Total Area.	Number Per Square Geographical Mile of Cultivated Area.	Number per Square Geographical Mile of Crop producing Area.	Number in 1867.
Prussia	3,014,595	2,559	3,656	5,098	3,063,085
Pomerania	1,437,375	2,492	3,553	4,651	1,426,430
Posen	1,523,729	2,842	3,948	4,706	1,519,191
Brandenburg	2,616,093	3,563	5,871	7,560	2,661,621
Silesia	3,510,706	4,733	7,315	8,450	3,547,705
Saxony	2,043,975	4,437	5,991	7,195	2,036,419
Westphalia	1,666,581	4,529	6,726	10,260	1,495,995
Rhineland	3,346,195	6,869	10,716	14,070	3,416,270
Total	19,189,691	3,772	5,594	7,185	19,663,524

(3.)—Table of Nationalities, 1864.

	Germans.	Poles.	Lithuanians.	Of other Nationalities.	Total Not German.	Remarks.
						Per cent.
Prussia	2,006,178	690,441	137,404	9	827,854	29·2
Posen	666,083	801,372	..	149	801,521	54·5
Silesia	2,539,094	719,365	..	91,036	810,401	24·3
Other Provinces	10,442,879	3,710	..	60,706	64,416	..
Total	15,654,234	2,214,888	137,404	151,900	2,504,192	13·1

(4.)—Table of Ages, Marriages, and Births, 1864.

	To every 1,000 Inhabitants,					
	Under 14 Years.		From 14 to 65.		Over 65 Years.	
	Men.	Women.	Men.	Women.	Men.	Women.
In the monarchy	168	165	312	318	17·7	20·1

	To every 1,000 Men.				Average from 1862–64.				
	Over 24.		In general Married.	Who have lost their Wives.	To every 1,000 in all.	Legitimate.		Illegitimate.	
	No.	Unmarried.				No.	Surviving.	No.	Per cent.
Prussia	202	40	172	10·3	45·4	41·4	4·2	4·0	8·8
Pomerania	225	41	166	13·5	39·6	35·6	4·7	4·6	10·2
Posen	218	32	167	9·3	44·8	41·7	4·0	3·1	6·9
Brandenburg ..	242	59	162	12·3	37·0	32·7	4·9	4·3	11·6
Silesia	234	40	172	12·6	40·5	35·9	4·7	4·6	11·3
Saxony	242	46	174	16·8	38·4	34·6	5·0	3·8	9·9
Westphalia	245	67	158	17·4	35·6	34·2	4·6	1·4	3·9
Rhineland	246	71	154	17·8	36·5	35·2	4·4	1·3	3·6
In Monarchy	234	50	165	13·8	39·6	36·3	4·6	3·3	8·3

(5.)—Table of Rejection, &c., for Military Service.

Average from 1831 to 1862,—To every 1,000 inhabitants:—

1. Men of 20 years	10·8
2. Men previously presented	18·6
3. Total	29·4

To every 1,000 men liable:—

4. Incapable from physical or mental defects	56·0
5. Temporarily incapable from weakness or ill-health	324·0
6. Temporarily incapable from being under 5 feet 4 inches	232·8
7. Incapable for other reasons	86·6
8. Remained for service	172 0
9. Taken for service	96·6
10. Left for future disposal	74·9

These Tables require very few observations. It will be noticed that the population has nearly doubled since 1816. The balance of about 176,000 was against Prussia in respect of emigration and immigration from 1844 to 1863. But the figures from which this balance is found are not altogether trustworthy. It is interesting to note that the urban population, apart from the influence of immigration into towns, increases faster by

Employments of Population.

one-third than the rural population. The following statement of the proportions of persons engaged in 1861 in certain categories of employment is likewise interesting :—

Military service	1·20
Civil service	1·67
Agriculture	45·26
Industry and trade	33 57
Manual and day labour	12·00
Servants not in agriculture	2 83
Without occupation	3·47
	100·00

It will also be noticed that the annual rate of increase in population is not as great since 1864 as in the period 1858 to 1864. The rate has already slackened. With regard to the Table of Nationalities, it may be added that of the children instructed in the elementary schools in 1862 to 1864, 85½ per cent. were German, 13 per cent. were Polish, and the rest were of other nationalities. Of the children who spoke various dialects of Polish or who spoke other languages, more than 27 per cent. spoke also German. Hence nearly 90 per cent. spoke German, and only 10 per cent. spoke no German. With regard to the density of population on the cultivated parts of the provinces, and to the frequency of marriage, and to the proportion of illegitimate births, it is curious to observe that in Westphalia and the Rhine Provinces, where small properties prevail and the fruitfulness of the soil is, on the whole, highest, that density and that frequency on the one hand are greatest, and that proportion on the other hand is least. This subject belongs, however, in its details to another part of this Report. The last Table is founded upon the statistics of the physical examination for military service. Finally, it may be noticed that nearly 3,000,000 of children were being educated in the elementary schools in 1862-64, and only 2 per cent of the children under legal obligation to attend the elementary schools failed from various reasons—such as ill-health, &c.—to thus attend. This number of 3,000,000 is out of 6,390,000 of children under fourteen years of age who were counted in 1864. The compulsion to school attendance dates like many another beneficial institution from the reign of Frederic the Great.

German-speaking children.

Westphalia and Rhine Provinces.

School compulsion.

(*e.*)—*Her Religions.*

30. The following Table will show the distribution of religions by provinces :—

Provinces.	Christians.									Jews.		
	Lutheran.			Catholic.			Others.					
	1816.	1858.	1864.	1816.	1858.	1864.	1816.*	1858.	1864.	1816.	1858.	1864.
Prussia	1,052,017	1,963,306	2,137,397	377,261	729,962	775,142	13,175	24,894	22,379	14,802	35,888	39,677
Pomerania	674,247	1,302,808	1,401,485	5,594	12,375	15,131	...	1,161	7,578	2,811	12,037	13,181
Posen	230,247	464,593	501,578	537,907	880,072	949,952	62	292	2,191	51,960	72,198	70,008
Brandenberg	1,255,900	2,258,939	2,509,107	19,207	41,205	66,168	426	2,615	4,586	8,083	27,247	36,228
Silesia	1,067,087	1,632,026	1,704,919	858,882	1,593,743	1,755,507	...	4,799	7,853	16,094	39,045	43,127
Saxony	1,115,848	1,784,319	1,903,119	78,106	117,465	130,176	2	2,764	4,754	3,097	5,514	5,926
Westphalia	424,083	685,750	740,932	632,576	863,738	907,450	120	854	1,288	9,491	16,099	16,911
Rhine	422,385	753,502	819,057	1,429,771	2,317,294	2,487,346	1,169	2,179	4,060	17,583	33,426	35,832
Total	6,241,814	10,845,293	11,717,594	3,939,304	6,555,854	7,126,772	14,954	39,558	54,689†	123,921	241,454	260,990

The ecclesiastical organization of Prussia, or rather the organization of Prussia for the observance of religion, is interesting; but although it has probably had much influence in the development of Prussia as a nation, it can only be thus briefly alluded to in this Report.

(*f.*)—*Her Agriculture.*

31. The following Table will show the absolute importance of agriculture. Its relative importance can be seized by considering three facts; viz., that in Prussia 60 per cent. of the yearly production and consumption originate in the possession of land; that 41 per cent. of the population live directly by agriculture; and that 11 per cent. are auxiliarily engaged in agriculture :—

1864.	Persons with their families engaged solely in agriculture	4,261,683
	Ditto, engaged partially	1,881,143
	Labourers, servants, &c., employed in agriculture	2,246,005
	Total	8,388,831
	Number per square geographical mile	1,679
	Persons engaged in industry connected with agriculture	245,793
	Number of industrial establishments	64,442

* In 1816 the Mennonites only seem to have been counted.

† The increase is amongst the Dissenters ("Dissidenten.")

As the agricultural conditions of land in Prussia form the subject of the third part of this Report, it is needless in this introduction to add any observations to the foregoing Table.

(*g.*)—*Her Industry.*

32. In paragraph 18, a comparison of the industry of Prussia with the industry of other German States has been instituted. To the general figures there given nothing need be here added. But it is necessary to refer more fully to the industrial occupations of the Prussian people. The industrial occupations in connection with agriculture are in their details as follows:— Industry connected with Agriculture.

	In Monarchy.	
	Number of Establishments.	Persons employed.
Lime kilns	2,256	8,376
Brick yards	7,649	45,550
Oil mills and refineries	3,755	8,436
Flour mills	29,577	52,957
„ steam and horse-power	2,431	4,101
Tobacco and cigar factories	1,379	26,325
Sugar mills and refineries	218	34,913
Breweries	6,834	16,840
Distilleries	8,263	22,198
Fisheries	..	7,604
Gardening industry	..	2,205
Millwrights	..	7,619
Vinegar factories	497	1,042
Other industries	1,585	7,632
	64,442	245,798

	In Monarchy.			
	Number.		Per square Geographical Mile.	
In industries, as enumerated	..	245,798	..	49
In the small industries:—				
Masters	95,938		19·1	
Journeymen	37,376		7·3	
Apprentices	23,025		4·6	
Total	..	156,339	..	31·0
Grand total	..	402,137	..	80·0

33. Prussia is rich in useful minerals. In 1865 there were 2,344 mines in operation, with a resulting value of produce of about 7,200,000*l.* They employed 148,070 labourers whose families consisted of 256,435 wives and children. The chief useful mineral is coal, which in no European State is in greater quantity than in Prussia. From 409 pits a quantity of nearly 20,000,000 of tons, valued at about 5,000,000*l.*, was won. They employed 89,200 labourers. The increase of this industry can be thus showed:— Mining Industry. Coal.

	Millions of Tons.
In 1824 the produce was about	1½
1844	3½
1854	7
1865	20

Westphalian coal now competes at the North Sea ports with English coal, which it approaches in quality. There are also useful kinds of brown coal, which are worked in 511 pits, employing 14,200 labourers. From them more than 5,000,000 of tons of a value of over 700,000*l.* sterling were won. Iron ore is also one of the useful minerals. There were in 1865 no fewer than 1,071 mines, employing 17,800 labourers, and producing nearly 2,000,000 of tons of ore of a value of nearly 600,000*l.* sterling. Zinc is another well-known production of Prussian mining, and its production is greater than in any other country. In 1865 there were 77 mines, employing 10,800 labourers, and producing about 350,000 tons of zinc and blende of a value of about 340,000*l.* This also is an increasing industry. Lead and copper are also other useful minerals of Prussia. These were in 1865 for lead, 168 mines, employing 10,500 labourers, and producing about 60,000 tons of a value of about 420,000*l.*; and for copper 69 mines, employing 5,200 labourers, and producing about 145,000 tons of ore of a value of about 150,000*l.* Salt works employ Iron. Zinc. Lead and C

hers.

460 labourers, and produce about 37,000 tons of a value of 35,000*l.* The other useful minerals of Prussia are quicksilver, arsenic, manganese, sulphur, and alum, with an aggregate production of about 560,000 tons, of which 530,000 tons belong to sulphur and alum.

E
P

nufacturing lustry.

34. Besides her mining industry Prussia has a very important manufacturing industry which has made an immense stride, especially in the last decade. How far this is due to internal causes and how far to external causes, it is not for this Report to notice. But the surprising fact is patent that Prussia within fifty years has passed from the condition of an almost entirely agricultural land to that of a largely manufacturing, as well as an importantly agricultural land. Of her manufactures the most important are metals, cottons, woollens, and silks and velvets. Amongst the minor manufactures are chemical products, glass, earthenware and porcelain, papers, wood wares, tobacco and cigars, beetroot sugar, beer, and spirit. The following comparative Tables for 1846 and 1861 will show the increase in importance, as judged by the people employed, of various kinds of manufacturing industry:—

Employed in	1846.	1861.	Increase or Decrease.
Manufacture of articles of consumption ..	101,288	165,865	+ 64.577
,, of woven articles	175,942	108,630	— 67.312*
Mining	41,753	71,836	+ 30,083
Metal works	27,102	57,116	+ 30,014
Spinning	33,311	40.572	+ 7,261
Machinery works	11,133	34,025	+ 22,892
Manufacture of metal wares	18,632	27,151	+ 8,519
,, of chemical products, &c. ..	12,052	26,987	+ 14,935
,, of paper wares	10,705	14,488	+ 3,783
,, of wood, horn wares, &c. ..	5.702	13,496	+ 7.794
In other industries	16,395	23,664	+ 7,269
Total	454,015	583,830	129,815

Thus in fifteen years the persons employed have increased by 29 per cent., but the population within the same period increased by only 13 per cent. The smaller industry, chiefly of manual labour, has also augmented, for it employed in 1846, 890,000 persons, and in 1861 over 1,200,000 persons, showing an increase of 35 per cent. The following statement showing the enormously increased use of steam machines is also interesting:—

	1846.		1861.	
	Machines.	Horse-power.	Machines.	Horse-power.
In Mining	274	9,519	1,528	60,387
Agriculture	48	504	242	4,172
Spinning and weaving, &c. .	237	3,236	738	16,152
Metal works	128	3,918	621	16,639
Machinery works . ..	80	939	373	4,139
Corn mills	71	927	600	8,101
Other industries	301	2,672	2,567	27,787
Total	1.139	21,715	6,669	137,377

nufactures of n.

Steel.

Zinc.

35. The iron works constitute a rapidly rising manufacture, for their produce of nearly 1,500,000 of tons, of a value of nearly 10,000,000*l.* sterling, is in value 52 per cent. above the produce of 1861. The steel works are also a rising manufacture, for their produce of 100,000 tons, of a value of 2,500,000*l.*, is in quantity and value treble those of 1861. The zinc works are also extending, and their produce has a value of 1,500,000*l.* The copper and brass works are also of importance, their produce having a value of 750,000*l.* The other metal works are of much less importance. Machines (especially locomotives) and railway waggons have become an important industry, and the persons employed are quadrupled since 1846 and actually number about 30,000. The manufactures of iron, zinc, copper, bronze and brass, and other metal wares of all kinds have been much extended, and employ over 20,000 persons.

stile Manu-ures.

36. The textile industry has taken a notable place. Spinning employs over 40,000 labourers, or 22 per cent. more than in 1846. The spindles have increased to 1,200,000, or 80 per cent. more than in 1846. Weaving employed in 1846, 157,000 workmen, 4,600 machine looms, and 78,000 hand looms; and in 1861, 84,500 workmen, 15,250 machine looms, and 28,000 hand looms. Steam-power is responsible for the diminution

* This diminution was caused by the substitution of steam labour for hand labour.

in workmen. Cotton spinning had in 1861, 398,000 spindles, and nearly 8,000 workmen; the spindles having more than doubled since 1846. Cotton weaving had, in 1861, 7,200 machine looms and 4,800 hand looms, and 13,300 workmen. Wool spinning had, in 1861, 651,000 spindles and 14,000 workmen. Wool weaving had 1,880 machine looms and 8,560 hand looms, and 26,000 workmen in connection with the spinning mills, and also 33,270 looms in the small industry, employing 10,770 masters and 26,100 apprentices and journeymen. The linen industry has recently acquired greater importance, especially in Silesia. In 1861 there were 21 flax mills with 106,500 spindles and 6,670 workmen, and 69 weaving establishments, with 244 machine looms, 1,840 hand looms, and 3,000 workmen; and also in the small industry about 300,000 looms, of which 43,000 formed the sole industry of their owners. The other textile industries are not of sufficiently relative importance to be noted in this brief review.

Of Cotton.

Of Wool.

Of Linen.

37. The mineral industry employed 100,000 persons in 1861, being an increase of 50 per cent. since 1846. Of this industry the earthenware and porcelain branch and the glass branch are of importance. The former employed 4,700 and the latter 5,600 workmen. But first in importance is the manufacture of chemicals, which in 1861 employed 27,000 persons, or more than double the number of 1846.

Manufactures fro
Minerals.
China.
Glass.
Chemical Product

38. Of the other kinds and branches of industry the following only require special mention. The beetroot sugar manufacture has increased from 79 mills, producing 10,000 tons of raw sugar in 1844, to 213 mills, producing 130,000 tons of raw sugar in 1866. They now employ about 35,000 persons. The manufacture of tobacco and cigars has doubled in importance, now employing about 27,000 persons. The breweries have increased in importance, but diminished in numbers. They now produce about 260,000,000 quarts of beer, and the consumption is about 14 quarts per head of the population. Berlin, however, consumes 52 quarts per head. Distilleries form now an important auxiliary industry to agriculture. Of 7,800 existing in 1864, no fewer than 6,400 were in the country. They then employed about 23,000 persons, whereas in 1846 they employed only 17,000. Of their produce four-fifths are consumed within the State, and the other fifth is exported. The paper mills employ nearly 10,000 persons, being an increase of 50 per cent. since 1846. The wood, horn and whalebone manufactures have increased since 1846 by nearly 200 per cent. to the important position of employing about 14,000 persons. Industries, connected with printing, lithographing, &c., which in Prussian nomenclature are called "polygraphic," employ some 12,000 persons.

Other Manu-
factures.
Sugar.
Tobacco.
Beer.
Spirit.
Paper.
Wood and other
wares.

39. From this cursory review of Prussia's industry an idea can, it is hoped, be formed of the industrial occupations of her people, and of the general bearing of such occupations upon the Land Question. Its special bearing will be referred to in the third and following parts of this Report. But it may now be observed that the greater portion of her industry is in connection with the produce of the land, and that that industry, even apart from her mining industry, is in intimate connection with her agriculture.

(*i*).—*Her Commerce.*

40. Prussia formerly depended upon her agriculture and the traffic of her towns for her wealth, but her Rulers have always tried to promote the development of a sea-going commerce. Frederic the Great was the chief of them, and it was he who founded the banking institution called the "Seehandlung," which, as its name imports, was intended to promote a foreign commerce by sea. The erection of the Zollverein has, however, the most contributed to the creation of a large trade. This union replaced nearly 200 Customs districts.

41. Commerce employed in 1861 nearly 27,000 persons, being an increase of nearly 200 per cent. since 1846. Shipping, both sea-going and inland, has more than doubled in the last quarter of a century. The increase of railways is well known. There are now about 250,000 English miles of roads, forming a large increase within the last fifty years. The increase of postal and telegraphic facilities need not be specially mentioned. But the Chamber of Commerce deserve special mention for their beneficial influence upon the commercial development of the country.

Persons in Com-
merce.
Shipping.

42. For estimating the foreign commerce of Prussia, apart from that of the Zollverein, the statistics of the latter are alone available. These will be used, with the preliminary remarks, that by far the greater portion of the exportation and importation belongs in nearly every category of wares to Prussia. By quantities the following Tables will show, for 1867, the exports and imports:—

Foreign Commerce.

Exports and
Imports.

Denomination.	Imports.	Exports.
	Tons.	Tons.
Cotton, raw, yarn, &c.	159,300	30,000
„ tissues	856	9,500
Woollen, raw, yarn, &c.	50,800	18,000
„ tissues	2,950	16,200
Linen yarns, &c.	8,800	1.600
„ tissues	5,700	17.200
China wares	56,500	225,500
Chemical products, &c.	151,200	70,000
Iron, rough, &c.	143,600	51,300
Iron and steel wares	11,700	39,400
Iron ore	152,600	228,000
Other ores, &c.	184,000	295,500
Lead and lead wares	..	26.500
Coal of all kinds	1,710,000	4,294,500
Copper, rough, &c.	9,000	..
„ wares	500	..
Glass wares	6,200	19,500
Paper wares	..	16,600
Other goods	393,500	850,000
Total	3,046,700	6,409,300
	£	£
Valued with cattle, cereals, wood, &c., at	87,000,000	65,500,000

In conclusion, it may be remarked that, of the value of the exportation—

52	per cent.	is in respect of	manufactures.
19	„	„	articles of consumption.
17	„	„	of raw materials.
12	„	„	of half manufactures.
100			

On the other hand, the increased importation of raw materials and half-manufactures tends also to show the development of manufacturing industry in Prussia.

43. This brief review of the political, economical, and social relations of Prussia cannot be closed without remarking that it is evident that Prussia owes her present prosperity not alone to her National Agriculture Legislation, but to numerous other influences, not only of legislation, but of industrial and commercial development. Many of the topics touched in this review are only imperfectly and hurriedly mentioned; but it is nevertheless hoped, that this part of the Report will not altogether fail in its object, of offering a general view of Prussia's position, as a general introduction to the important subject of land and its relations in Prussia.

Part II.—The Legislation affecting Land.

Usual conception of land in its relation to man.

1. The law may base its dealings with land either on the conception that man was made for the land, or on the conception that the land was made for man. The history of the legal incidents of land in Europe shows that the former was the fundamental conception of the law. Accordingly, the land became too frequently the unchanging object of fixed ownership, and did not follow the changing lot of the proprietary cultivator, or even of the lord. Indeed the cultivator and even the lord seldom appeared as a legal person, but the landed property with its cultivators bore the character of a legal person. This conception of landed property is also that of German custom and German law, and consequently that which has moulded the earlier legislation and influenced the later legislation on land in Prussia.

Influence of outward arrangement of landed estates.

2. This mode of regarding land renders it necessary in Prussia as in other countries to take into account the influence of the outward arrangement of landed estates on the development of the laws affecting land. For this outward arrangement acts in two ways: it acts as regards the outward arrangement of the land upon legislation for the promotion of agricultural improvements; it also acts as regards the outward arrangement of the estates upon the legislation for improving the legal relation between man and land. Such an outward arrangement will at any given time be the net result of the original settlement of the land, and of the influences exercised subsequently in the course of political and social growth by impulses both from within and without the nation.

An inquiry into the existing legislation presupposes, therefore, a sketch not only of

previous legislation, but of the original settlement of the land and the resulting outward arrangement of landed estates.

(A.)—General Historical Introduction.

(*a.*)—*From the early Settlement to the Death of Frederic the Great.*

Ancient settlement of German land.

3. The earliest migrations into German land took place in the prehistoric period. At the beginning of the Christian era the Romans found "the tribes between the Vistula and the Rhine to be not half savage nomads, but tillers of the soil, brewers of beer, and traffickers in woollen mantles and in soap, who were settled not in towns but in organized districts." From this period to the seventh century no materials exist for tracing the progress of these tribes. But since the seventh century sufficient materials exist for warranting the statement that the earlier settlements on the land were the result of Land Communities.* The boundaries of their lands were the natural ones of hills and river valleys. They divided and sub-divided into distinct societies. Either all these societies continued to use the lands in common; or each society received a separate portion of cultivated land, continuing to use pastures and forest in common. Conquest, personal prowess and occasional separation of property for individuals altered gradually this universal character of these Land Communities. Between the territories of such communities there often remained large forests which the Sovereign subsequently appropriated either as Crown property for the occupation of peasants or for allotment to grandees and monasteries.

Land Communities.

Colonization.

4. About the eleventh century the colonization of lands assumed importance, and soon extended into the Polish districts. The Slavs were so numerically weak, that German colonies spread through Brandenburg eastward, and into Pomerania and Silesia. This colonization was peaceful and was brought about by the reigning Princes and their grandees for their own private advantage. The colonists appear to have usually paid rent or tithes or both.

Variety of landed estates.

5. Under these circumstances there grew up a variety of landed estates. Thus in Westphalia from the principle of the land community there arose the common use of forest and pasture either by independent peasant farmers or by a whole community; thus arose also the estates (called "Vöhden") in which the land was cultivated for four to six years and then abandoned for four to six years to common pasturage, and the estates (called "Esche") in which the land was under continuous cultivation and in the possession of several proprietors whose rights were restricted by rights of the community. But the influence of the colonization in Westphalia, which appears to have begun by immigration of Dutch and Flemish peasants and thus to have received a different impulse, was towards the creation of "independent farms."* This system with various modifications obtained along, and to the west of, the Weser, and ultimately crossed the Rhine to Aix la Chapelle. But on this side of the Weser and from the Moselle to the Elbe the opposite system of "close villages"* obtained, in which the remains of the old arrangements in common were retained in an astonishingly primitive form. The peasant population of a village formed one or several agricultural societies under the names of farming societies ("Gehöferschaften") or perpetual societies ("Erbgenossenschaften"), which possessed the whole district with the exception of the so-called "free farms" which had been carved out of the district for individual proprietors. In many of these districts, as in Saarhölzbach so recently as 1863, the only private right of property was to the house and any small garden belonging to and adjoining it. All the land of whatever kind, with the exception of a varying portion which remained for common use, was periodically divided by lots amongst the owners in common according to their rights, and thus changed ownership according to the results of the drawing. Those rights of a drawer were to possess the same quantity as he then possessed either from a former drawing or from accumulation by purchase or inheritance. Hence the drawing gave him the one advantage of consolidating his land. As regards the tilled lands the drawings were originally held every three years, but afterwards every six, twelve, or more years. The lands of each kind differed naturally in quality; hence each kind was carved into squares of one quality, and each square was divided into as many strips, wide and narrow, as there were owners of varying quantity. This kind of close village did not exist, however, in the previously Slavonic territories. In them the lands of the close village at its erection according to German custom were divided by lot, but there is no evidence of subsequent consolidation by lot. On the other hand they were subject to pasturing of sheep by the lord of the manor,* and to the fallow and stubble grazing of the common flocks.

Independent farms.

Close villages.

* *Vide* Appendix of Definitions and Terms.

Standards of allotment.

6. In the apportioning of the lands—in the case of colonization, for instance—two standards seem to have been used, the "Flämische-Hufe"* and the "Frankische-Hufe," which were in most districts subsequently considered as the same. The former contained about 98 acres and the latter about 102 acres. In Silesia, however, the two standards were contrasted, and the former contained only 47 acres, whereas the latter contained nearly 98 acres. If the example of Zedlitz in 1257 be taken as a type, the former was the size of the apportioned lands in the best situations, and the latter the size of the apportioned lands in the less favourable situations. Each portion of land paid in kind the same rent, but the former paid in money half a silver mark, whereas the latter paid one silver mark. The greatest portion of the latter appears also to have been cultivated from the same farmsteads as the former. Nearly a quarter of Silesia is partitioned out in accordance with this system.

lose estates.

7. Opposed to the outward arrangement of these chief forms of peasant estates is that of a district intended for cultivation by one owner and forming a large "close estate."* Small isolated portions of tilled land were carved out from the forests and moors of the larger of such districts by squatters, and small farms were created thereon by the occasional separation of portions of the estate for various motives. Only a few large estates were unaffected by this process. Such estates arose chiefly from the separation of independent lands by the heads of land communities and from the gift of the Crown, and subsequently by accumulation. The majority of the colonies in the Slave lands were created by donation to a lord, who settled the colonists, and often retained large districts for his own cultivation. In the fourteenth century such estates for cultivation contained from 720 to 1,450 acres. From the beginning of the sixteenth century the lords of the manor added many new lands from forest and moor. But the number of such farming estates in the kingdom is smaller than could have been expected, if the number of existing "estate districts"* be regarded; but it appears that the estates which are sometimes coterminous with them are chiefly of modern origin. Moreover the landlords of the Western provinces never appear to have had sufficient inducement to return to the system of cultivating their own lands, which they had frequently abandoned in the Middle Ages. On the other hand, the farming of lords of the manor in the Eastern provinces has continually extended.

Feudal system.

8. Intermingled with such peasant and manorial estates, and in many cases overriding many a right of the peasant proprietor, arose the feudal system in various forms, with its serfs and forced services. How and why that system arose in this country as in other countries, need not be related here; nor need it be traced how the landed proprietors became, by the acquirement of special privileges, not only lords of nearly the whole of the land, but also the naturally born local authorities.

The so-called real services, *i.e.*, feudal and other services, attached to the land, and sometimes to the person, were partly obligations in acknowledgment of jurisdiction, partly obligations for the holdings or for reciprocal services, and partly obligations sanctioned by the custom of the country or district. They were discharged by annual payments in money or in kind, by cattle and harvest tithes, by hand, team, and other personal services, and, lastly, by the erection and maintenance of buildings, and similar services. The subjection of the peasant to the lord was so general that "the air makes us serfs" became a common expression. But the degree of serfdom was very unequal. Yet this condition was found sufficiently oppressive to cause the Peasant War of the sixteenth century. The demands of the peasants were such as were only granted three centuries later. The war was disastrous for the peasants, and public order was restored from Justinian's point of view. By the aid of the Roman Law a stricter theory of serfdom was constructed, and was then applied to the greater oppression of the peasantry. And this state of the relation of the peasantry to the lords of the manor continued with very little change into the beginning of this century, in spite of the efforts of the reigning sovereigns in the seventeenth and eighteenth centuries to bring about a state of things more favourable to agriculture. The chief result obtained was in many districts to change the personal services of serfdom into services rendered for holding the land. It must finally be noted that the peasant could never cease to be a peasant, and that the noble could not, from the beginning of the last century, annex the peasant's land to his own, but was bound to find a peasant-cultivator for it.

Variety of landed estates in provinces.

9. This brief sketch would not, however, be complete without glancing at the provinces separately, for in them arose certain districts where particular legal incidents of property in land prevailed, which still influence the present laws. In the lands on the left of the Elbe, a great variety of estates subject to so-called customs of the estate, or to customs of prescription, or of judicial decisions, were formed on the splitting up of large

* *Vide* Appendix of Definitions and Terms.

tracts of land into small and not very compact portions. Some of these were, in the main, subject to Frank Law, and others to Saxon Law. This latter was unfavourable to the full powers of the owner, and to the equal inheritance of his children. Its domain extended throughout Westphalia and into the Rhine provinces north of Düsseldorf. In Westphalia the system of close ownership has remained dominant in the separate and "independent farms." There, also, the right of succession attached to present estates was strengthened and confirmed. But the succession of the eldest or youngest son obtained according to the district. The so-called free "Meier"* owners could incur debts on their farms. The eldest or youngest son of the personally unfree "Meier" possessors inherited on payment of a fine. The so-called colonist lands ("Kolonat") were hereditary, but subject to services. The colonist held the lands as either hereditary for ever, or copyhold ("Leib") on one or more lives, or for a period of years renewable on payment of a fine. Westphalia.

In the Rhine Provinces similar estates existed, but in the southern portions the Frank Law obtained even in respect of peasants and gave them a property, subject it is true to services, tithes, &c., but unrestricted as to partition, either for sale or inheritance. In these Provinces there also existed estates leased to peasants. Rhine Provinces.

11. In the southern and western portions of the Province of Saxony the peasant* proprietorship consisted chiefly of the so-called "changing lands"* ("Walzenden Grundstücke") which were freely alienated and inherited. Notwithstanding this, many larger peasant farms, consisting only of such changing lands and in a flourishing condition, are now found by the side of the smaller properties. On the other hand quit-rents and later on hereditary leases* ("Erbpächte") and ground-rents* presented themselves in the northern and eastern portions, as also various holdings for services. Saxony.

12. In Brandenburg the colonists paid neither tillage-rent nor tithe, but rendered services, such as furnishing a horse for a campaign, which were afterwards commuted. The other peasant proprietors were partly feudal, and partly free, and partly the so-called "Kossäthen." They usually occupied two or three "Hufen" (180 to 270 acres?) and paid tillage-rent and tithes. The "Kossäthen" held land and dues of fowl or corn, or more frequently on condition of building the "Schloss" or of getting in the harvest. Brandenburg.

13. Pomerania offered a similar picture to Brandenburg; the peasants were, however, gradually converted into serfs; but in 1720 many holdings were changed into allodial estates. Pomerania.

14. In the Province of Prussia the Polish rule in the western divisions caused the emphyteutic holdings to spread and to extend into the eastern portion. They were partly for life, a period of years or certain generations, and partly hereditary for ever with a preference right of purchase reserved to the lord of the manor, who also received certain fixed dues. Peculiar to the Province of Prussia are the "Elokation" estates. These were created by allotting to citizens of Kulm and Dantzic uncultivated swampy lands, who let them on renewable emphyteutic contracts for a term of years for cultivation and use. Peculiar also to it were the "Lahn," "Quart," and "Gratial" peasant estates, which were perfectly free, except in the obligation to equip a soldier or to render some similar military services. More in west than east Prussia many peasant properties were in course of time subjected to a terminable lease of three or six years, the renewal being accompanied by increased fines. In 1702 the peasants upon the Crown property were freed from personal services and granted a title to the property. Prussia

15. In the Province of Silesia the German colonization was very important, and the German law absorbed the Polish law. Both in its upper and lower portions the peasant lands remained their own hereditary properties, excepting along the Polish frontier where so-called occupied lands existed. The peasant occupiers were however freemen, but rendered certain services. Silesia.

16. In the Province of Posen property of every kind had to struggle with the obstacles caused by its being now subject to German, now to Polish law. The peasants suffered much, for the attempt of the Poles in 1578 to convert all peasant lands into property of a lord of the manor caused much insecurity of property, which the subsequent Prussian rule had to remedy. Posen.

The foregoing outlines of the chief forms and leading incidents of landed property within the Prussian Provinces give an idea of the variety of holdings and rights which obtained till the beginning of this century, and which has left its mark upon the features of the country.

17. The Prussian law had been to the beginning of the eighteenth century occupied in more and more recognizing the encroachments of the lord of the manor upon the land and the serfdom of the peasants. On the other side there was the testimony of the "Sachsenspiegel" to the former rights and customs of the peasant proprietors. This work, The law recognized feudal system.

* *Vide* Appendix of Definitions and Terms.

which eventually entered into the law of several Prussian Provinces, notably into that of Silesia, was no doubt useful in withstanding the baneful influence of the subsequent application of Roman law in Germany to the rights of the peasants.

(*b.*)—*From the Death of Frederic the Great to the Stein-Hardenberg Era.*

Agricultural state of Prussia at end of eighteenth century.

18. At the death of Frederic the Great this then was the unsound and obstructive agricultural organization of Prussia. The largest portion of the peasant estates were subject to the more or less absolute dominion of lords of the manor, who, however, had not always succeeded in depriving the peasant cultivators of an hereditary or limited usufruct. The remainder of the peasant estates were held as freeholds, but the owners were generally more or less restricted in their powers of dealing with their property. Feudal services of various kinds were exacted by the lords from the peasants, who were for the most part serfs. Rights of common were so numerous and onerous as to materially interfere with the prosperity of the community. The evils of such relations between manorial proprietors, cultivating proprietors and peasants, did not escape the penetrating glance of Frederic the Great, but he failed to effect by the measures he took any great change in them. Wars and foreign policy occupied his reign. But the turning point in the history of Prussian agriculture must be placed in that reign, for it is marked by many an act of legislation, which testifies to a better conception of the true relations of man and land. The progress was however slow, till after the Peace of Tilsit. Then Prussia made a sudden and great stride and has continued to advance rapidly in the path of a development of her agricultural resources.

Sudden change after Tilsit.

Modern legislation not uniform throughout kingdom.

19. The modern Prussian legislation on the national agriculture was not in any part thereof until recently extended to the Rhine Provinces, where much of it was not needed after the introduction of French Law, has only been gradually extended to some districts of Prussia and is not at present applicable except in part to the recently acquired Provinces. It will be desirable, therefore, to trace the Prussian legislation usually so-called, then to glance at the legislntion for the Rhine Provinces, and finally to reserve the growth of the legislation of the newly-acquired provinces for subsequent inquiry.

Stein and Hardenberg.

20. The statesmen Stein and Hardenberg were not at the time of the events of 1806 to 1807 members of the Prussian Government; but both were occupied with maturing their ideas for the strengthening of the State by radical alterations of the relation between the ground and its cultivator. These ideas were based upon the opinions current chiefly in West and East Prussia, in consequence of the teaching of the University of Königsberg, and upon a careful consideration of previous but isolated legislation, chiefly in Silesia, with similar aims. Both statesmen were requested to report upon the means to be used for invigorating the State, and both placed the liberation of the peasantry from servitude in the foreground. A committee prepared a project of law for this purpose with the drawing of which Von Schœn was occupied. As soon as Stein was appointed, the Edict of 9th October, 1807, was issued for the whole kingdom. It aimed at facilitating the acquirement of absolute ownership, and the free use of landed property, as also at improving the relations between the different classes of land population. Its underlying principle was, as the King stated, "to remove whatever had hitherto hindered the individual from obtaining that degree of well-being which he was capable of reaching by exertions according to the best of his ability." It fixed Martinmas of 1810 for the completion of the liberation of the peasants from servitude. The provisions of the Edict were duly put into force, and the increase beyond all expectation in the national welfare during the next ten years bears testimony to the fruitfulness of Stein's policy. Not only were all ranks in the nation—landowners, citizens, and peasants—most materially benefited, but the peasant proprietors were raised to a much more important place in the economy of the State.

Edict of 1807.

This measure however remedied only one set of evils. Other measures were still necessary. Then also the Edict of 9th October, 1807, had caused no little commotion amongst lords and peasants, and even aroused in some quarters fears as to the economical result of so sudden and radical a change. Albert Thaer, familiarly called Father Thaer, was at this time (1809) persuaded, chiefly by Hardenberg, to enter into the service of the State. As he had won universal confidence by his agricultural experience and his sound economical views, the knowledge that the superintendence of this change was mainly in his hands went far to allay fears and create trust. In 1811 (Stein having been previously banished by Napoleon) Hardenberg was appointed Chancellor, and forthwith the two Edicts of 14th September, 1811, "for the Promotion of National Agriculture" and "for Regulating the Relations between Lords of the Manor and Peasants" were issued. Thaer founded them upon the principle that a partial and gradual abolition of the services and

Thaer in 1809.

Edicts of 1811.

rights of common was possible without causing that disruption which their total and sudden abolition would have effected in the agricultural system, into which such services and rights were intimately interwoven.

A series of decrees and laws and regulations from 1811 to the present day has provided from time to time the necessary machinery for carrying out the Edicts, and has also aimed at rendering more complete the transition from the former to the present system. They have been accompanied also by laws providing for the special promotion, with State funds, of such undertaking for the furtherance of agricultural prosperity as should be too extensive and expensive to be carried out by private means, even after the cultivators had been freed from their bondage and burdens. By this two-fold legislation, by this double lever, nearly all the numerous obstacles to the progress of the national agriculture have been gradually removed, so that Prussia has now all but accomplished the task to which she set herself at the beginning of this century. Other legislatio

21. The Prussian legislation (usually so-called) was gradually introduced into those parts of the kingdom, to which it was not at first applied with the exception of the districts on the left bank of the Rhine and of New Pomerania. For these a special law of 19th May, 1851, on the commutation of rights of common was enacted. This law applied the principles of the Prussian legislation, so far as they were needed. In New Pomerania Swedish law, which is similar to German common law in many respects, had already effected many of the changes, brought about by the Prussian legislation, but in such a manner as to cause the almost complete destruction of independent peasant estates. In the Rhine Province on the left bank the French law had abolished all feudal privileges and all services to the lords so completely as to give to the peasants full possession of their lands, with the exception of those held on ground-rents for not more than 99 years, or on terms constituting a similar small estate. Introduction of Prussian legisla into Rhine Provinces, &c.

(B.)—The existing Legislation directly or indirectly affecting Land.

(*a.*)—*The Laws of National Agriculture.*

22. There are mainly and in the first rank the Edicts of Stein and Hardenberg, with all the resulting laws and regulations, which have been under that title assembled by Lette and Rönne, and other Jurists. Their history, development, economical principles and legal principles, are most interesting to study; but it will be impossible within the compass of such a Report as this to attempt to give their due, either to their history or development, or to their economical and legal principles. I shall however endeavour to give a sketch, however brief, of all the chief features of this legislation, in the hope that a more or less accurate outline of the subject will be offered to the reader.

This legislation divides itself naturally into two parts: the laws passed for the abolition of real charges and services, including the regulation of property relations; and the laws passed for the arrangement of rights of common and the inclosure of common lands, and for the consolidation of landed properties. Under the conviction that "all that is common is hurtful to the individual," and that the real strength of a nation is only to be developed by perfect freedom in agricultural organization, these two divisions of the agricultural legislation were steadily pushed forward together by Prussian Statesmen in such a manner, that they have been largely instrumental in making the aspect of agricultural Prussia in the middle of this century, widely different from that of agricultural Prussia at the beginning of this century.

23. The following objects, which chiefly affected the economical position of the peasants, were evidently marked out for the attainment of the legislation initiated by the Edict of 1807:— Objects of Pru legislation.

1. To abolish all encroachments on personal freedom.
2. To abolish all restrictions of rights of property in land.
3. To relieve the peasants from the burden of being the special and sole class for payment of most of the public charges.
4. To abolish the powers of lords of the manor, and to convert peasant-lands into free and absolute property with compensation to the lords of the manor.
5. To commute the real charges and services, resting upon private rights, which were attached to various kinds of landed property.
6. To commute rights of common and inclose common lands, and to facilitate the consolidation of farms and other landed properties.

These six objects fall into the two divisions of legislation above-mentioned. They have never been lost sight of throughout the fifty years of legislation. Whatever the political changes might be, there was never any essential deviation from the task set for

the legislation of the country. It must, however, be repeated that all the credit of the increase of agricultural prosperity in Prussia must not be given to that legislation. The subsidiary legislation which advanced hand-in-hand with it, and the collateral legislation which could not fail to have an indirect or even direct influence on agriculture, must not be forgotten. Of the subsidiary legislation there is a division, which forms an important part of the laws of national agriculture, namely, all the regulations, decrees, and laws providing for draining of swamps, drainage, artificial supplies of water, embankments, and other agricultural improvements. Of this division it is intended to take a cursory view, after examining the other two divisions of the legislation and after referring to the dismemberment legislation and the special procedure. It is further purposed, in reference to the first division, to consider it in its development, in the details of its successive laws, and lastly in its present condition.

(*a.*)—*The abolition of Real Charges and Services.*

ninary review. diet of 1807.

24. The legislation respecting the commutation of real charges on, and the regulation of property in, land is the first in order to be thus treated. The Edict of October 9, 1807, abolished servitude of the person from the day of its issue, and declared that all servitude of the land, or rather for the land, should cease on or before Martinmas 1810. The real charges, which constituted the conditions on which peasants hold property, were maintained. But the concession of freedom to all persons in respect of their possession of land, involved an abolition of the restrictions as to the acquisition and alienation of their landed property. This result of the concession could in the nature of things be only gradually attained. The danger was however imminent that, on the abolition of the obligation to instal proprietary cultivators in the occupation of vacant peasant lands, those lands would be absorbed into the estates of the lords of the manor. This was rendered the more probable by the lamentable fact, that war had depopulated many peasant villages. The Edict provided, therefore, on the one hand that no hereditary properties and no properties on hereditary lease or on quit-rents should be absorbed, but that the rights of the existing possessor might be extinguished by transfer to the lord of the manor by private contract or by the direction of the law. The Edict on the other hand provided for the maintenance of the above obligation in a modified form. The lord of the manor was by the instructions based upon this Edict empowered by the Provincial Authorities to convert such lands into large peasant farms not exceeding certain fixed sizes, as soon as he had secured the complete emancipation of the lands and had satisfied all the claims of former possessors. If the desire of the lord of the manor was to convert such lands into out-lying farms, he had to fulfil other conditions. He was also restricted in this conversion to absorbing only a half of the peasant lands of a peasant village, and was further obliged, if he wished to exceed this half, to lay out in peasant properties an equivalent quantity of land from another part of his estates. Neither could this peasant land be converted into out-lying farms, unless it had not acquired the character of peasant land before the middle of the eighteenth century. The dates vary for different parts of the Kingdom, but cluster around the middle of the century. The important bearing of these provisions cannot fail to be seen.

Edict of 1811.

25. In securing free traffic in land the Regulation Edict of September 14, 1811, went a step further. It provided that the lord of the manor should be discharged from his obligation to find cultivators for the peasant properties on certain conditions. He must enter into a full and complete arrangement with the possessors of such properties by contract or otherwise to part with their rights. The Edict mentions for this purpose properties, in which the occupants had only a possessory right, but which were hereditary or, if not hereditary, were held for an indefinite term, or for a term of years, or for life, upon dues, leases, and services. The position was therefore this: on the one hand was the lord of the manor with his obligation not to annex peasant lands, but to maintain them in the occupation of peasant cultivators and in a condition to pay taxes on them and with his right to certain returns and services; on the other hand, was the peasant proprietor with his obligation to pay certain acknowledgments to the lord of the manor, and with his hereditary right to his property, or with what was considered but little inferior to such an hereditary right. The object was to free each from the trammels of such a system. This Edict, it will be recollected, was the work of Albert Thaer, who sought to produce amelioration of the relations between man and land and to avoid a violent dislocation of interests. He sought for a simple principle on which to base such arrangements. The Edict adopts that of commutation. A balance is struck between the obligations and rights of the one party and the obligations and rights of the other party, and that balance is to be commuted. The balance was against the peasant proprietor, and the commutation of

it was to be effected by a transfer to the lord of the manor, of one-third of the land by the hereditary possessor, and of one-half of the land by the non-hereditary possessor. The home or farmstead, together with its appurtenances and the site, seems generally to be excluded from the basis of commutation. This commutation could also be paid in the shape of a rent-charge. The reason for selecting land instead of money capital seems to have been that the latter was not obtainable, und the former was almost valueless, but at hand. It must also be added that this legal standard of arrangement was not compulsory, but if the interested parties could come to an agreement on other terms, they were at liberty to do so. At the same time the consolidation of intersected lands was allowed.

Opposition on part of lords.

26. The rates of commutation were opposed in many quarters as too disadvantageous to the lords of the manor, who had relied upon their rights to services for supplying the requisite labour to the cultivation of their own lands, and who now feared a dearth of labour. They also pleaded that much of the land had been settled for the purpose of securing the supply of labour. The Declaration of the 9th of May, 1816, accordingly restricted the right to this regulation of peasant property to such properties as were assessed to the land-tax, and had been settled with peasant cultivators in the middle of the last century. All the subsequent laws, till 1850, excluded the smaller Lassitian* ("lassitischen") cultivators from the conversion into indefeasible proprietors. In 1821 the commutation of services was conceded to the possessors of small farms ("Ackernahrungen"). In 1845 it was conceded, also, to the possessors of smaller farms "(Kleine Stellen").

Of Declaration 1816.

Of Law of 184

27. The Law of January 31, 1845, marks another period in the legislation. Thenceforward the rents in money or kind from properties held on hereditary leases, ground-rents, or quit-rents were to be extinguished or rendered terminable by the possessors of such properties. A valuation at twenty-five years' purchase was usually taken for the basis of this species of redemption. For facilitating the redemption sinking-fund societies came into existence and were the prototypes of the rent-charge banks, which are treated of in a section of a subsequent sub-division of this Report.

Of acceleration 1848.

28. The progress of the Legislation was much accelerated by the events of 1848. All parties then united in desiring a speedy abolition of all still existing charges and services. A different and, in public repute, better settlement of the reciprocal obligations became possible. All proceedings under the previous Legislation were stayed, and the Law of March 19, 1849, established certain normal prices and rates for the commutation, which were ascertained by special Commissions. One-half of the members of these Commissions were those entitled to receive, and one-half were those bound to render charges and services. They were elected by indirect voting for this purpose. The instructions to these Commissions were published in 1850, and their action has caused an important facilitation of the later proceedings in matters of commutation.

Of Laws of 185

29. The legislation entered upon its present period at the passing of the Law of March 2, 1850, which treats of the commutation of real charges, and the regulation of the relations between peasants and lords of the manor. This law converts into absolute and free property all those classes of peasant lands with incomplete proprietorship, to which legislation had previously given attention. It distinguishes between real charges and services to be abolished without compensation, and real charges and services to be commuted. The legislation initiated by this law consists of several subsequent laws from 1850 to 1860, carrying out and extending the principles of that law.

It will be desirable in following the succession of laws on the abolition of real charges and services to regard, first, the laws providing for personal freedom and for free traffic in land; and secondly, the laws for the commutation of real charges and the regulation of the relations between peasants and the lords of the manor.

Examination of Edict of 1807.

30. The laws providing for personal freedom and for free traffic in land begin with the Edict of October 9, 1807, with respect to facilitating possession and free use of landed property, and to improving the relations between peasants and lords of the manor. At the outset it must be stated that wherever the Prussian Body of Law, with its subsequent interpretations and judge law has force, thither the legislation in connection with this Edict has followed. That legislation does not obtain, therefore, wherever German common law (as in New Pomerania) has force, or wherever French law (as on the Rhine) has force. The 1st to 9th Clauses of the Edict refer to the possession and use of land, and the 10th to 12th Clauses refer to the personal relations of the cultivators of the land.

This initiatory Edict of the legislation postulates that the welfare of the State is better consulted by the increase and free use of the forces of the individual in every direction than by mere increase of population, which for instance was one, if not the chief, cause of the previous legislation for maintaining the number of peasant cultivators.

* *Vide* Appendix of Definitions and Terms.

ns at free
hange in land.

31. The 1st paragraph of the 1st Clause aimed at securing free trade in land. By it all the restrictions in the Prussian Body of Law as to lords of the manor acquiring peasant lands, as to the acquisition of those lands, and as to the acquisition of privileged lands of the nobles, were abolished. But that free trade is not yet secured, for restrictions on the alienation of lands from *fidei commissa*, feudal descent, and the like are still maintained, and restrictions affecting aliens and corporations are still in force. These latter limitations of free trade in land may, however, be more or less warranted by reasons of policy. The 2nd paragraph also maintained the existing laws as to the legal incapacity of members of certain religious sects to acquire land. This applied to the Jews. But since their emancipation in 1847 they are legally able to acquire land. It applied also to the Mennonites, Quakers and Separatists. They appear to have been since enabled to acquire land. At any rate the equality of all citizens before the law, as laid down in "The Constitution," would now allow them to acquire land, provided they undertook the military obligation of all Prussian subjects, to which those sects seem to have religious objections. It is at the present moment a parliamentary question as to whether the members of these sects should not be compelled to be soldiers like other Prussian subjects.

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bolishes restric-
'e distinctions
rank.

32. The 2nd Clause established free selection of a trade or profession. By it the restrictions in the Prussian Body of Law as to the distinctions made by birth between nobles, townsmen and peasants, and as to the callings that each class could exercise, were abolished.

estricts obstruc-
'e rights.

33. The 3rd Clause limits the exercise both of preference rights of purchase and of prior claims (based upon the law and not on contracts or wills) in respect of land. All such remaining preference rights of purchase were abolished by the Law of March 2, 1850. All such remaining prior claims were also then abolished, with the chief exception of the prior claims of joint-heirs.

rants divisibility
' land.

34. The 4th Clause lays down the fundamental principle of the unconditional division of landed estates with a due reservation of the rights of the real creditor, and also of the rights of pre-emption, referred to in the previous clause. This principle is further developed in the National Agriculture Edict of September 14, 1811, and receives complete application in the Law of January 3, 1845, on the division of lands and the establishment of new settlements.

.oosens strictness
f settled property.

35. The 5th Clause allows the demise of settled landed property in portions or in entirety on hereditary leases. This clause was suspended in 1842, and has now lost its importance by the abolition and prohibition of hereditary leases. The Law of 1850 abolishes the rights of property hitherto residing in the hereditary lessor.

Protects peasant
ands from undue
bsorption.

36. The 6th and 7th Clauses refer to the absorption and amalgamation of peasant estates. The tendency of legislation in Prussia had even before the promulgation of the Body of Law been towards an amelioration of the condition of the peasant, and towards the maintenance of a yeomanry and peasant proprietary. Even in the Electorate of Brandenburg this had been the marked policy of the rulers. In the 15th and 16th centuries the small country towns had petitioned their ruler to protect and maintain the yeomanry and peasantry on commercial and political grounds; on the former, because the nobles traded with the large commercial town, but the yeomanry traded with the small country towns; and on the latter, because it was good for the State and its Ruler too, that the yeomanry and peasantry should not disappear and leave nobles and labourers alone in the State. The Hohenzollerns did not fail to take this view. They directed their policy to a maintenance of the peasantry for the political reason of balancing the powers in the State, for the commercial reason of preserving the towns, for the national reason of augmenting the population, and for the military reason of supplying a soldiery. In 1709 this policy was marked by a strict prohibition to nobles to annex peasant lands.

In 1739 the Provincial Governments were ordered to prevent the eviction of a peasant except upon well founded grounds, and upon the lord of the manor replacing him by another peasant cultivator. In 1749 Frederic the Great prohibited under penalties all absorption of peasant lands. In 1764 the repeopling of peasant farms which had been abandoned since the war of 1756 was commanded under heavy fines. There were similar provisions in the provincial legislations. The Prussian Body of Law incorporated these principles; but the modern legislation has adopted other principles with however the same intention of ameliorating the condition of the peasant. The faculty of absorption and amalgamation of peasant estates was granted on certain conditions. One-half of the peasant lands in any one district could be thus absorbed for outlying farms, and the possessory rights of the owners of such peasant lands were in that case to be bought up. The amalgamation of peasant lands into large farms up to certain fixed sizes was also permitted. The restrictions maintained by the above limits on the disposal of landed property have, however, been since abolished as part of public law. The only legal limits

to such absorption and amalgamation appear now to be the existence of rights at private law.

37. The 8th Clause provided for the charging of landed property entailed as a fief or *fidei commissum* with mortgages for the forced contributions which were imposed as a condition of peace. This clause has no interest now except as a precedent for breaking down in cases of State policy the fence erected around such properties. Charges settled property with war loan.

38. The 9th Clause enacts that feudal entails and *fidei commissa** can be cut off and unsettled by a family agreement. The subject of the restrictions on free trade in land created by feudal descent, *fidei commissa*, and the like is examined in a subsequent sub-division of this Report. Infringes on perpetuity of entails, &c.

39. The remaining Clauses 10 to 12 refer to the abolition of servitude. Personal servitude is abolished at once. The servitude for land is to cease in 1810, and the creation of all such servitude is prohibited. The personal servitude was abolished throughout Prussia without compensation. Stein laid down the inalienability of the right to freedom as a sufficient and equitable ground for withholding compensation. This has been remarked upon as one of the rare instances in which that practical statesman reasoned from first principles. As a matter of positive law no compensation was due, for ultimately the lords of the manor profited enormously, and even immediately they profited, inasmuch as they too received the absolute ownership of their properties which had hitherto been far from free, and on the contrary burdened in many ways. As the services of cultivation were maintained until the relations of peasants and lords of the manor were regulated, the fears of a dearth of labour from the emancipation were not well-founded. Prohibits personal and land serfdom.

40. In concluding this Notice of the Edict of October 9, 1807, it may be recorded that the personal servitude, which had been previously entirely abolished on the Crown lands in East Prussia and Lithuania and partially abolished by contract on Crown lands in other provinces, was forthwith abolished on all remaining Crown lands as on other lands. Abolition of serfdom in Crown lands.

41. The Edict for the promotion of national agriculture of September 14, 1811, is in succession the next law of this part of the legislation. It devotes the first 38 clauses to the removal of all hindrances, other than the dependent relations of peasants and their services which are the subject of other laws, to the free development of the forces of the possessors of land and to the best possible use of the land and soil. The remaining clauses are directed to the promotion of the general extension of agricultural industry. Examination of National Agriculture Edict of 1811.

42. The 1st clause is explanatory of the 4th clause of the Edict of October 9, 1807, and removes all restrictions of public law as to transfer of landed property. Rights at private law, such as the rights of third persons in *fidei commissa* and the like, are not touched. The removal of restrictions does not extend to restrictions on the use of land, but is confined to the entire or partial alienation or acquisition of land. In sub-division of land the rights of third persons are attached to each portion as to the whole. It may not be uninteresting to record some of the restrictions abolished; viz., the consent of the Crown to alienation and acquisition of land, the valuation of peasant inheritances at a fixed tariff, the prohibition to an incoming possessor to give the outgoing possessor such a price as should render him incapable of paying the public charges, the rules as to quantity of cattle on a farm, and the regulations as to mode of farming. Removes public restrictions on transfer of land.

The 2nd clause, which provides for the division of land on hereditary lease in such a manner as not to prejudice the lessor, has become a dead letter by the action of the later legislation, which converts all such properties entirely into absolute property.

The 3rd clause declares that the State taxes and charges shall be no hindrance to the division of land, and mentions the removal of certain hindrances of that nature.

By the 4th and 5th clauses restrictions as to the use of private forests, such as prohibition to subdivide and to cultivate them, are abolished, subject to the rights of third persons; and the restriction, arising out of the State compelling cultivation on penalty of losing the land, is also removed.

The 6th clause relieves the possessor of land from interference by real creditors and heirs expectant and others, as to his use or division of the land, and as to large sales of wood, provided they are in accordance with the provisions of the other Edict. Similarly the 7th clause relieves him from restrictions caused by the injunctions as to settlement on his property of working families, and as to his employment of them. It however limits contracts of hiring to twelve years. It permits payment of wages partially or entirely by the use of land. It disallows all unfixed rents in money or kind.

By the 8th clause aliens are admitted to leases, and by the 9th clause a prohibition to diminish the number of cattle on a holding is altered into a regulation that the number of cattle is not to be regarded so much as the quantity of fodder consumed. This regulation

* *Vide* Section (*a*) of Sub-division (*b*) of this part of the Report.

was one of the results of Thaer's study of English cultivation, but has not been maintained to the present day.

Lessens private hindrances to transfer of land.

43. The previous clauses having treated of the hindrances caused by enactments of the public law, the 10th and following clauses to the 17th deal with the hindrances arising at private law from special relations and services. But such hindrances, although later legislation has widened much the field of its operation, have not yet been entirely removed. As the substance of these clauses is recapitulated with explanations in the Clauses 181, 191, of the Law of 7th June, 1821, it will suffice to point out that a third part of the lands subject to common of pasturage was compulsorily inclosed for private use, and the rest remained in common unless a further separation was agreed upon.

The clauses 18 to 24 treat of hindrances arising out of various rights of common, and clauses 25 to 33 provide for the protection of woods and forests from abuses arising out of right of common.

The clauses 34 to 36 refer to the protection of fields and meadows and plantations from abuses, but are very imperfect, and have been replaced by the provisions of the Agricultural Police (Feld-polizei) Regulations of 1st November, 1847.

Clause 37 subsequently developed into a Law to protect river fisheries.

Adds certain ameliorating directions.

44. Clause 38 provides tor the employment of qualified experts in agricultural suits and disputes. Clause 39 recommends the establishment of agricultural societies; and clause 40, of model farms. The fruits of the two latter clauses are to be seen in the existing development of such institutions. The clauses 41 to 44, so far as they refer to the Agricultural Boards ("Landes Oeconomie Collegien") which they called into existence, are now abrogated by more modern legislation.

Announces promotion of land improvements.

45. The last clause of this Edict declares it the patriotic duty of the State to promote the construction of canals, bridges, and roads, and to do anything possible to open up the national wealth. This declared intention of the State has found its expression in the legislation which forms the subject of the e sub-division of this division of the Report.

Examination of Regulation Edict 1811.

46. The second part of these laws is that of property regulation and abolition of real charges. Although the other Edict of Hardenburg and Thaer, that of the 14th of September, 1811, for regulating the relations between lords of the manor and peasants, has by the later legislation been entirely repealed, it will not be uninteresting to sketch the details of a measure which for forty years formed the basis of this branch of the Prussian legislation. The introductory clauses declare that the object of the Edict is to convert peasant properties into holdings of absolute ownership, and to commute by mutual compensation all mutual obligations and rights of peasant and lord, and that in the meantime no such a peasant has such absolute ownership.

Converts hereditary peasant properties into absolute property.

47. The first part of the Edict then treats of hereditary peasant properties which hitherto have not been held absolutely. These are to be converted into absolute property on compensation to the lord of the manor. Two years are allowed for such a private and friendly arrangement. After that time a claim for such regulation can be made by either party, and in default thereof the State can order the regulation. The following are the rights of the lord to be compensated: the right of property, the claim for services, the dues in money and kind, the farming stock, and the real services. The following are the rights of the peasant to be compensated: the claim for support in misfortune, the claim for wood and other advantages in respect of forests, the obligation of the lord to build and repair buildings, the obligation of the lord to pay taxes and other public dues and services in case of his destitution, and certain rights of grazing. But as some of these rights cannot be easily turned into value, special rates of compensation must be made. Accordingly, the lord shall receive one-third of the peasant's land and all rights and obligations shall cease. But the interested parties may agree upon an amount of compensation to be paid in money capital, or by a rent-charge in money or kind. If no agreement be made, then the lord can demand compensation in corn. If however he demand land, and the peasant refuse to give land, the General Commission is to decide on the mode of compensation. Minute directions as to compensation by land are given in order to avoid hardship to the peasant or the creation of hindrances to agriculture. The house and garden remain without division in the possession of the peasant. But for it and some other advantages the peasant is to pay local taxes and to render certain agricultural services with a fixed maximum of service. The peasant pays a valuation for the farming stock, if it had previously belonged to the lord of the manor. Compensation in capital, in default of any other arrangement, must be paid in corn, the produce in three-field farming of one field being given to the lord, and in other cases one-third of the total produce of the farming. For meadows, experts shall fix the compensation. This regulation of property is to be accomplished within four years. In the meantime the relations of peasant and lord remain as before, unless an earlier arrangement is effected. The

On compensation to lord of one-third of land.
Or otherwise.

distribution of the land tax and other taxes on separated lands is provided for. Although one-third of the land or produce is the rule of compensation, a less proportion can form an exception to the rule, if it can be shown that the value of the rights of the lord and the obligations of the peasant do not warrant so large a proportion.

48. The second part treats of the peasant properties which are not hereditary. These are the properties held for an unfixed period, or for a term of years or for life, on dues, leases, and services. They differ from the hereditary properties, inasmuch as the lord is not bound to recognize the heir of a possessor, and in some cases is empowered to levy higher duties and exact greater services on a change of possessorship, or on a renewal of the possession. But, on the other hand, the lord is responsible for the taxes and cannot annex the lands, but must always find peasant tenants for them. The directions of the first part are applied to such properties with this difference, that the lord should be entitled to one-half of the lands as basis of commutation. The peasants, who occupy only a few morgens of land and render manual services, are to be considered as labourers on outlying farms, and these relations can only be changed by a mutual agreement. A period of four years is fixed for the conversion, with a longer one of six years for East and West Prussia. There are some special clauses with reference to the position of some classes of peasants in Silesia and elsewhere. The position, for instance, of the so-called "Dresch-gärtner" was peculiar. They were not owners of the plots of land they held, but were holders in return for their labour of threshing. The Edict provides for the conversion of the holdings into absolute property.

Converts non-hereditary properties into absolut property.

On compensation o one-half of land.

49. It will be recollected that the Declaration of May 29, 1816, materially altered the scope of this Edict. Thenceforward the conversion into absolute property could only be claimed by peasant farmers. What constituted a peasant farm was defined to be: a farm, (*a*) sufficing for the maintenance of the possessor as an independent cultivator; (*b*) entered in the provincial survey, and paying land-tax as a peasant property; (*c*) established before certain dates at the middle of the eighteenth century; and (*d*) subject, at the publication of the Edict, to the obligation on the part of the lord to keep it tenanted by peasant cultivators.

Declaration of 1816.

Definition of peasant farm.

The second term of the definition was the most fatal of the four. This definition excluded a large number of the peasant properties affected by the Edict. The consequence was that many of the excluded peasants received notice to quit, and their lands were amalgamated with the manorial lands. This definition did not, however, prevent numberless suits as to what peasant properties were excluded, but brought about such dissatisfaction that it helped to render necessary the existing legislation.

Consequent disappearance of peasant holdings.

Other misapprehensions or restricted interpretations to the disadvantage of the peasants occurred, but need not be more fully mentioned. Several decrees and regulations were issued from time to time to counteract such injurious action, until the year 1848 quickened ideas and ripened public opinion for a return to the principles of 1811.

50. Before proceeding to consider the existing legislation, it is necessary to mention the Decree of June 7, 1821, respecting the commutation of services, landemia, and tithes. But this law did not find proper development until the new legislation was inaugurated.

Decree of 1821.

51. It now remains to sketch the outlines of the existing legislation on the abolition of real charges and services, of which the law of March 2, 1850, is the basis and chief expression. It will be remembered that with the Edict of October 9, 1807, the Prussian legislation began to confer an indefeasible title upon the possessors of peasant properties held on Lassitian conditions, and to commute or abolish the real charges thereon. But by the Declaration of May 29, 1816, the universality of this measure was much restricted, and in consequence many peasant properties disappeared. From this divergence from the original path the legislation never entirely returned. But in 1848 the National Assembly took the matter into consideration.

Existing legislatio

Soon afterwards, for the other laws had been suspended, a preliminary law, dated November 19, 1849, was passed respecting normal prices for commutation. In the beginning of 1850 "The Constitution" was promulgated. Its 42nd Article thus laid down the principles of legislation on land:—

"The right of free disposal over property in land is subject to no other restrictions than those of the general legislation. The divisibility of the property in land and the commutability of land-charges are conceded.

"Restrictions of the right to acquire and exercise disposal over real property are only permissible in mortmain.

"Without compensation are abolished all privileges arising out of the former feudal system and out of the former system of taxes and industry.

"The delivery of the full and complete title is alone permissible in the bequeathal of a landed estate; but a fixed commutable rent can be reserved.

"The further application of these definitions is relegated to special laws."

But the special laws have never given the force of law to all these definitions; and, indeed, this Article was itself repealed in 1855, and a less liberal one was substituted, which merely recorded the principles of the legislation of 1850.

Laws of 1850.

52. As has been already mentioned, the year 1848 witnessed a general demand for freedom from the remnants of the old system. The services from small peasant holdings were untouched. The standard for the application of the Declaration of May 29, 1816, varied in different districts. The progress of the arrangement of the obligations and rights of each party was slow, and was obstructed by the many separate laws, decrees, and regulations modifying and remodifying previous laws. Hence, in direct continuation of "The Constitution" three chief laws, consolidating and improving the legislation, were promulgated. The law respecting the commutation of real charges and the regulation of the relations between lords of the manor and peasants, and the law respecting the establishment of rent-charge Banks appeared on March 2, 1850, and the law respecting the real charges attached to the sites of mills on March 11, 1850. To give a complete picture of these laws would require a work in itself. The Ministerial statements of the circumstances and reasons of these laws and the debates upon them are rich in materials. But the limits of this Report permit only of sketching the laws in outline. The law respecting the rent-charge banks is reserved for review in a subsequent section of this Report. The other above-mentioned law of March 2, 1850, shall now be considered. It begins by repealing most of the previous legislation, and then builds up a legislation more in accordance with the principles of the Edicts of October 9, 1807, and September 11, 1811, which had been limited by the Declaration of May 29, 1816, so prejudicially to the lower class of peasants. The law divides itself into four parts, viz., the enumeration of the powers and rights abolished without compensation; the commutation of real charges; the regulation of the relations between lords of the manor and peasants with respect to grants of titles to property; and the general definitions and regulations.

Regulation Law of 1850.

Rights, &c., abolished without compensation.

53. The enumeration of the powers and rights abolished without compensation comprises all those arising from the dominion of the feudal Lords; a number of judicial and other powers originating in the feudal system: dues, which have the form but not the essence of public taxes; various fines, such as fines for keeping cattle or bees, fines on baptisms, &c.; also services of personal attendance; the obligation to sell produce to the lords of the manor; various prejudicial customary rights; and, lastly, all reciprocal services performed for the abolished services and powers. If, however, the services or powers thus enumerated are attached to the grant or alienation of land, then they are not abolished without compensation. An important unconditional abolition was that of the obligation to labour for the customary wages of the district. But quite as important was the abolition of the dominion and the jurisdiction of the lords of the manor and the dues levied on their account. As one consequence, it may be noted that the possession of lands on quit rent or hereditary lease received a complete title to the property. The rights of pre-emption and all prior claims are for the most part abolished.

Real charges commuted.

54. The commutation of real charges is comprised in eleven sections. The 1st lays down the principle of commutation; the 2nd section deals with services. Normal prices are fixed for services rendered by the day. Arbitration is to ascertain the value of services by the piece. Whenever for 10 to 20 years a composition of such services has been paid, that composition is to be the basis of the commutation. Whenever no normal prices exist, arbitration is to be resorted to, as also in cases of commutation of agricultural and building services, to ascertain what services are to be commuted. The 3rd section treats of fixed dues in corn. These are to be commuted according to their price at Martinmas on an average of 24 years without the two dearest and the two cheapest years. A deduction of 5 per cent. is then made to allow for the less value of cereals thus paid as dues. The 4th section appoints arbitration for ascertaining the value of fixed dues in kind other than dues in corn, whenever no composition has existed and no normal prices are at hand. The 5th section forbids the levying of harvest tithes wherever they had not been previously levied, and establishes the average of the compositions paid in the 10 years previous to 1850, or in leases the rent received, or failing these, the estimate of an expert as the basis of commutation. The 6th section abolishes the dues on transfer of landed property whenever the transfer is from proprietor to proprietor, and abolishes all dues except one whenever the transfer is from sub-holder to sub-holder. This due is to be commuted, but can only be claimed three times in 100 years. If the due is payable only in case of death or sale, then the number of times is reduced to two and even one. If the due is a per centage on the value, then an arbitration is to decide as to the selling va e of the whole property. From the value of the lands is to be taken 20 per cent., and from the value of the buildings and stock 50 per cent., the remainder forms the basis fo r commu-

tation. If any commutation had been already paid in capital, that is also to be deducted. The 7th section treats of fixed dues in money which are to be commuted at the annual average. But if there have been any contracts as to such commutation, then, unless he who is bound to pay should prefer the composition in the contract, he who is entitled to receive it is at liberty to demand the composition in rent-charge debentures according to the law. The recourse to the rent-charge bank can, however, be refused by the competent authorities if the rent-charge would exceed two-thirds of the net return of the land. The 8th section refers to all other dues and services. Normal prices are fixed for a few; for others, such as the services of industrial labourers, the yearly value is to be taken, and for all others in default of any other basis a value is to be found by arbitration. The 9th section acknowledges the reciprocal right to commutation for return services of those who are entitled to exact the services to be commuted as above. And the 10th section provides for the deduction of the yearly value of the reciprocal services from such before-named rates of commutation, and also for cases in which the latter may exceed in value the former. The balance is the commutation rent. The possessor of a property of land is empowered to require such a reduction of that rent, if necessary, as shall leave to him the full third of the net proceeds of his property. But previous compositions of dues and services are, of course, excluded from this calculation. The commutation rent-charge can be discharged by payment down of 18 years' purchase. If, therefore, he who is bound to pay that rent-charge declares himself willing to make such a payment, and he who is entitled to receive will not accept it, then the former pays it to the rent-charge bank, and the latter receives rent-charge debentures to the value of 20 years' purchase, with the obligation to pay the annual instalments to the bank. The 11th section establishes the normal prices and normal markets. But before passing to the next part of the law it may for greater clearness be noticed that the payer of commutation, having no capital of his own to offer, would apply to the rent-charge bank. This institution would provide him with rent-charge debentures to the amount of 20 years' purchase for payment of his commutation. For these he would have to pay either $4\frac{1}{2}$ per cent. (interest and sinking fund) for $56\frac{1}{12}$ years, or 5 per cent. for $41\frac{1}{12}$ years.

Conversion into absolute property.

55. The part relating to grant of titles to property is very important, and takes the place of the Edict of 14th September, 1811, and the law of 8th April, 1823. All agricultural plots (belonging to their possessors, not as property nor on quit-rent, nor on hereditary lease, before the promulgation of the Edict of 14th September, 1811, in the respective territories of the kingdom) which had been laid out in accordance with Lassitian rights for cultivation or use, or are charged with dues or services to the lords of the manor, are subject to the regulation respecting grant of title to property, if they are granted with right of inheritance or for a term of years, and if by law or prescription they must be occupied by another peasant farmer on the avoidance of possession. And the distinction between peasant and other lands is no longer maintained. Wherever such establishments exist the law applies to them. The emphyteutic estates, which are for terms of years or are subject to the succession of next of kin in the Province of Prussia, are likewise to be dealt with by this law. Whoever had possession on the promulgation of the preliminary law of 9th October, 1848, is considered as the rightful possessor, a period being fixed for notice by another claimant. A law of 16th March, 1857, fixed the 31st of December, 1858, as the last day for receiving such claims. But only the possessor, and not the tenant to whom the possession may have been let, can be the claimant to regulation of his property relations. The possessor receives, free from paying compensation, the property and the farming stock, and is relieved by commutation for dues and services of all kinds. On the other hand the lord of the manor is, free from paying compensation, relieved from the obligation of supporting the peasant in misfortune and from being the legal representative on insolvency of the peasant cultivator in regard to the public taxes, and therefore from the obligation to pay these taxes, whether or not the peasant paid them to him. He is also released from the obligation to build and keep in repair the buildings, and from certain commutable reciprocal services and contributions in kind. As regards his powers and rights which have a useful value, the lord of the manor is compensated on a fair basis, ascertained by experts or previous compositions or arbitration. As regards his rights and powers the peasant possessor is similarly compensated. But the method of ascertaining this compensation is such that it is only in the case of such possessors of agricultural plots as are entitled to a share in the general harvest, that the lords of the manor have to pay a balance of composition. That method is also so regulated that peasant possessors are not bound to pay a balance of composition exceeding two-thirds of the net proceeds of their property. Whenever there are no claims set up on behalf of such peasant possessions then the complete title vests in the lord of the manor, who can dispose of them and absorb them as he may please. A consolidation of lands must be carried out under official super-

vision in the case of the peasant's lands lying in and amongst the lands of the manor. It must not be omitted to record that, whenever the minerals by the law of the Province belong to the owner of the land, the title to them vests in the peasant proprietor, and lords of the manor who had previously worked them as their own must now pay compensation to him. Also the dwellings of day labourers which the lords may have erected on what is now the peasant's absolute and free property, must be removed at their own expense, if the peasant proprietor demand it.

56 The fourth part containing the general definitions and regulations begins by laying down the principle of the "Constitution," that the delivery of the complete title to it must accompany the bequeathal of a landed estate.

Procedure of Regulation.

57. The initiative in claiming regulation of relations can be taken by either party, and once taken the proceedings cannot be stayed. The costs are divided between both parties. As the evidence of title had in Prussian law passed through various phases, a procedure for facilitating proof of title is provided for the cases in which the mortgage and landed property registers do not contain it. The procedure is to be found in the 109th clause. A number of general regulations complete this last part of the law.

Difference between former and existing legislation.

58. It will be seen from this sketch of the law that, whereas under former legislation the balance of obligations and rights was declared by the State and certain fixed proportions of the peasant's land were separated for the payment thereof as commutation, under the present legislation the balance is ascertained according to circumstances in the presence of the parties and is commuted by payment of capital or rent-charge in money and not by a division of, and alienation of a portion of, the peasant's land for that payment. The land in which the peasant had a possessory right now passes in its entirety into his ownership, and the State provides a machinery for facilitating his payment of the commutation of the real charges and services.

Law on mills of 1850.

59. The Law of March 11, 1850, respecting the real charges attached to the sites of mills has been named in connection with the above Law of March 2, 1850, because its principle of commutation is extended to them, and because these real charges grew for the most part out of the feudal system of lords of the manor. The mill industry was, in fact, an appurtenance of the manor, and a monopoly. The Editors of the Prussian Body of Law seem to have been aware of the possibility of freedom as to the erection and industry of mills; but they incorporated the legal incidents of the existing state of things into their code. Such mills remained, consequently, with their exclusive right to the custom of the district and their obligations to the lord of the manor, till the new agricultural and industrial legislation commenced. When, therefore, in accordance with the principles dominant in the new era, the Industrial Law of 1845 established free competition as regards the industry of mills, these manorial mills found themselves deprived of their rights but still subject to their obligations. Hence arose numerous complaints, and thence sprang up the law now under notice.

Commutation of real charges.

60. All real charges on mills, their sites and adjoining lands, are to be commuted in accordance with the principles of the Commutation Law of March 2, 1850. But the question, as to whether as regards any particular mill-property the real charges were of such a nature as to have been abolished without compensation by previous legislation, is to be decided by the ordinary rules of evidence. All real charges not so abolished are to be forthwith commuted. A special quick procedure is established for the relief of the manorial mill-owners. One essential deviation from the commutation law is, that the possessor of a mill founded since the promulgation of the Industrial Law of January 17, 1845, cannot claim that his commutation rent should not exceed two-thirds of the nett returns of his industry.

Former obstruction industry.

61. The system which obstructed the development of the mill industry is but an example of the system which everywhere repressed the forces of the nation. A delineation of it belongs rather to an investigation of the previous and existing industrial condition of Prussia. But occasional notices of it will obtrude themselves in the course of the present inquiry, whenever that investigation may meet with examples of how that system touched and benumbed the agricultural forces of the nation.

62. The foregoing sketch of the so-called Prussian legislation as regards abolition of real charges and services will, it is hoped, in spite of its brevity and imperfections, give a tolerably good and clear idea of what that legislation was before 1850, and of what that legislation is since 1850.

Gradual introduction of agricultural legislation into Rhine Provinces, &c.

63. It will have been understood that the former Prussian legislation respecting abolition of real charges and services did not apply to the whole of Prussia as she was before 1866. The edicts applied only to the Prussia then on this side of the Elbe. On the other side of the Elbe the introduction of French law had worked, or was working, a similar change in all the countries, some portions of which subsequently became Prussian.

On the left bank of the Rhine the task was nearly accomplished. The French legislation was reproduced. Its details need not be here narrated. But it may be noticed that the capitalization of commutation of charges and services was from twenty to twenty-five years' purchase. On the right bank of the Rhine the legislation progressed sporadically. But when the Kingdom of Westphalia was erected, the change from the old to the new system was manifested by a quick succession of Decrees. In 1808 personal servitude was abolished, and the hand and team services during harvest were regulated. In 1809 the fiefs were converted into allodial lands, and services and land-dues were commuted. In 1810 tithes and some other dues were commuted. In 1811 extensions of previous Decrees took place, notably to the lands on hereditary lease; and the laudemia were commuted. In 1812-13 these laws were explained and interpreted. But these decrees were not so incisive and penetrating as the original French legislation, and the task was not nearly accomplished; so that real charges and services to a large number remained for Prussian treatment.

Rhine.

Westphalia.

Reforms by the French.

The province on the left bank of the Rhine, and many of the territories of the Westphalian Kingdom, fell to the lot of Prussia. In the former, French law still obtains; and the French agricultural legislation has so thoroughly accomplished its task, that the Prussian legislation has no field there for its action. The territories were mainly those which now form the Province of Westphalia, in which French law has had generally to yield the place to Prussian law. The work, though unaccomplished by the French legislation, was so far advanced that the Prussian agricultural legislation found no field there for its action, until it had itself become fashioned after the models of the French laws there and elsewhere extant. It is curious to note that the surprising results in England of the English legislation of the seventeenth century in respect of fiefs and separation of lands pricked Frederic the Great to his praiseworthy exertions to improve the relations of lord and peasant; little successful though his exertions were, for public opinion was not ripe. It is curious to note that from the acts of those exertions, when public opinion was riper, and when a nation's distress required prompt and vigorous measures, sprang up the agricultural legislation. And it is curious further to note that the course of events in France and elsewhere had, as an impulse from without acting upon that legislation, given it at the beginning an acceleration which the Peace retarded. The retardation was such that only in 1850 could the agricultural legislation of Prussia be applied with effect to the territories of the former Kingdom of Westphalia, and that even then it was excluded from the Rhine Province. The Prussian law of September 25, 1820, recognizes the state of affairs in all the territories and provinces in which the French law had obtained. This law was replaced by three laws of April 21, 1825, applying separately to the various divisions of the Kingdom previously embraced by the former uniform law. The one, applying to Westphalia, gives some extension to the principles already dominant. This law repeals all the existing laws on this subject, and then treats of the relations between peasants and lords of the manor. It ratifies previous abolition of personal servitude, personal services, and other obligations. All peasant possessors (except lease-holders) who were formerly subject to lords of the manor, are invested with the possessory right or the absolute ownership of their property. The rights of lords of the manor on transfers of property are maintained. Special regulations respecting woods belonging to peasant properties are given. In most other points the clauses of this part of the law are replaced by those of the Law of March 2, 1850. The following part of the law maintains the modifications of rights and obligations by previous laws, and extends the abolition without compensation to many other dues and services. But the position of fiefs is almost entirely resettled more in their favour. The curious institution of peasant fiefs loses, however, its characteristic features, and they are considered and dealt with as ordinary peasant properties. The land-tax is treated of, and some general definitions and regulations complete the law, so far as it is now valid. The Law of March 2, 1850, completes the treatment of the subject.

Law of 1820.

Laws of 1825.

The other two laws are similar, with modifications suited to the different portions of the Kingdom to which they are applicable.

64. The comparison of French Legislation as developed in the former Kingdom of Westphalia and on the left bank of the Rhine with the Prussian Legislation would not be uninteresting, as it would reveal many a mark of the influence exercised upon the course of Prussian Legislation by the Legislation extant in these territories as acquired by Prussia. Such a comparison is not, however, within the scope of this inquiry. Neither is it desirable to follow further the history of the introduction of the Prussian Legislation for the abolition of real charges and services into the various parts of the kingdom. But the more favourable position of the Province of Saxony in the relations of man and land may be noticed here, as of general bearing upon whatever usefulness this report may

Saxony.

have. Certain territories now forming the Province of Saxony were likewise part of the Kingdom of Westphalia. But though the French Legislation had some influence in them, yet a very different system of relations between peasants and lords of the manor was already in existence. Indeed, for a long time previously, personal freedom had been the rule in the relations of the peasants to the lords of the manor. These possessions were in the main free property. Some possessions were restricted only by some customary services, rents, fines, or tithes. Other possessions were, however, held on quit-rents, feudal-tenure, and hereditary-tenure. In many parts the peasant estates had already been mostly accumulated from free, alienable, divisible, hereditary lands, the so-called changing lands ("Walzenden Grundstücke"). These were originally laid out according to a certain standard of acres and sometimes let on quit-rent, but having no legal connection with the original "close estate" were subsequently sold separately and split up. Later on many subdivisions became amalgamated into one hand. The Prussian Legislation had not so difficult a task in bringing about in that Province a greater freedom in the relations of land.

Magdeburg.

65. Finally it may be noticed that in the Duchy of Magdeburg the feudal incidents of privileged lands ("Rittergüter") had been abolished before the French Revolution.

(β.)—*The Commutation of Rights of Common, and Inclosure of Common Lands.*

Development of legislation on commons.

66. If the knowledge of the Romans warranted the maxim of *communio est mater rixarum*, the experience of Germans has warranted the proverb of "Gesammt Gut verdammt Gut." The hindrances raised by rights of common to agricultural development were perceived, and formed the subject of several more or less imperfect decrees issued by Frederic the Great. But Silesia received a more complete law in 1771 on this important matter. Upon this law are founded the directions of the Prussian body of law in respect of rights of common. Except in Silesia, however, little relief was obtained until the new era of agricultural development was inaugurated by the statesmen Stein and Hardenburg, and the public officials Schoen and Thaer. The commission of which Schoen was a member reported in 1807 in favour of a general law respecting rights of common. Thaer was afterwards charged with the question and the references to rights of common in his National Agriculture Edict of 14th September, 1811, have been noticed in paragraph 43 of this report. He subsequently caused a law to be drafted, but it was not till 1821 that any such a law was promulgated. This law dated 7th June is divided into two parts. The first treats of the abolition of certain rights of common: it defines the rights, settles the power of claiming a division of the property affected by them, establishes the kind of division and separation, lays down the principles of division, and refers to a special procedure. The second part treats of the limitation of rights of common: it provides for powers of use correspondent to the rights of interested parties, and for the withdrawal of a third of the land from the common of pasturage in confirmation of the National Agriculture Edict of 14th September, 1866. This law received only a few modifying explanations during the period between its promulgation and the issue of the law of 1850 which completed this Legislation. Certain other rights of common were brought within the domain of the law of 1821, and certain beneficial amendments were made in that law.

Laws of 1821 and 1850.

67. The two laws of 1821 and 1850 must be examined together, for they practically form one law. Their leading principle is a division of property affected by rights of common and not of rights of common as such. This is accomplished by the commutation of common uses and by the inclosure of common lands. But this settlement of rights of common is not to be carried out prejudicially to the agriculture of the district; hence for instance the usual rotation of crops must be complete before common uses are commuted.

Commutation of rights of common.

Commutation is applied to common of pasturage upon tilled lands, and meadows, and in paddocks, woods and other places; to common of wood cutting and faggot gathering, &c., from woods and forests; to common of cutting heather and the like; to common of mowing grass and collecting of sedges, rushes, or reeds on private lands or from private waters; to common of gleaning from and raking together on reaped fields; to common of collecting resin; to common of pescary in stagnant or private waters; to common of turbary and to some other commons.

As to claiming commutation.

68. Every sharer in a common use is entitled to claim commutation. But a claim once made cannot be withdrawn, or in any manner annulled. The amelioration thereby of the national agriculture or its practical utility warrant the consideration of such a claim. No common use is touched unless its commutation be claimed by an interested party. Parts of the common use may continue to subsist as common. And any number of sharers

in a common use may elect to retain in common that use. From the operation of this law the property of a commune or of a town is excluded, for its clauses only apply to the property of individuals.

69. The commutation may involve for purposes of consolidation a bringing, so to speak, into hotchpot of the lands of the claimants, and of all lands subject to the use. This worked harshly in some instances, although the object was to secure for each interested party a compact farm. A later regulation therefore declares, that so far as the above proceeding results in an allotment of land, which can only be effected by exchanges, one-fourth of the possessors of the lands affected by such necessary exchanges must be agreed. And, if within the next twelve years no recourse has been had to the Special Procedure Authorities in respect of such a commutation, involving consolidation of lands, then a majority of the interested parties must be agreed. Consolidation.

70. The rights of parties entitled to common property or to common uses are ascertained by the evidence of laws and bye-laws, customs and contracts. Detailed directions are given for ascertaining the basis of commutation. The value of a use is defined as its local and customary value. As to common property the rule is that each interested party should be compensated by shares of land. A compensation in rent-charges is awarded whenever lands to the estimated value of his uses cannot be granted to an interested party. It is also awarded in respect of common of collection of resin, in respect of common of pescary, and some other commons. The rent-charges are commutable. Formerly they were paid in money, varying in amount with the fluctuating price of rye, and commutable at twenty-five years' purchase. Now they are fixed in money, and commutable at twenty years' purchase, in default of any other basis being accepted. Some dues in kind, and customary services in labour for agriculturul purposes can be reserved for at the longest twelve years in aid of the deficiencies of the cultivation of the district. Lands cannot be divided unless on such division they lose nothing in value. If this would be the case, or if their utility would be greater in one hand, then they are to be sold by public auction. An endowment of the district school, destitute of a greater share in the common property, must for the benefit of the schoolmaster be effected on the first extinction of rights of common in the district by a grant of so much garden-land in a suitable position, as will suffice for the housekeeping of a family of husband, wife, and three children, and for the fodder of two cows. Modes of commutation.

The decision in all matters of rights of common is referred to the Special Procedure Authorities. It is not necessary to notice here the many legal incidents special to this extinction of rights of common, the consideration of which completes the 1st part of the Law of 1821. Neither is it necessary to refer to the details of the 2nd part, for it treats chiefly of restrictions of common uses in the sense of the National Agriculture Edict, which are seldom applied, for the complete commutation of them is preferred.

71. From the foregoing brief analysis of the Laws for Abolishing Rights of Common, their obstructive nature may be seen, and the scheme for their removal can be seized. The equitable aim of this part of the legislation is so evident, that it need not be pointed out. Few other countries have so justly commuted the rights of common belonging in many cases to their poorer classes. The beneficial effect of combining with such commutation of common uses a compulsion to consolidate the lands is also obvious.

72. This is the Prussian legislation, properly so called, which is valid wherever the Prussian body of law obtains. But a similar legislation had not been previously to 1851 introduced into the Rhine Province and New Pomerania, where the dominion of French law in the former, and of the common law in the latter, had prevented its introduction. When the faculty of commuting common uses became much extended by the law of 1850, it was deemed necessary to apply the Prussian legislation to them. Accordingly, on May 19, 1851, laws for these territories on rights of common were promulgated. Introduction into Rhine, &c.

73. The only essential deviation from the Prussian Legislation is in omitting the compulsion to consolidate. This compulsion to consolidate was unnecessary in New Pomerania, as the consolidation of intersected lands had been rendered admissible by a decree as early as in 1775; and in the Rhine Province it was impracticable, for the disinclination to submit to the directions of a law for consolidating lands remained as strong as it had always been. No consolidation clause.

74. The application of the law as regards lands affected by rights of common is restricted to lands which are used in common without division. Hence certain districts with land in common, but with the land divided amongst the common owners, are not affected by it. The procedure is before the ordinary tribunals, with however modifications which do not contradict the leading principles of the usual procedure. In this particular too it differs from the Prussian legislation, and for this reason, the work to be accomplished was not such as to require special machinery. Exceptions to law

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75. As the consolidation of lands is an important subject, the Prussian Legislation on it demands a little more notice. Its germ is to be found in the 64th and 65th clauses of the Decree respecting Commutation of Rights of Common. These provide permissively for the bringing into hotchpot of other lands than the lands affected by rights of common. In 1834-38 the consolidation become more or less compulsory on the ground of agricultural advantage, and of the frequent impossibility of carrying out a commutation of rights of common without such consolidation. In the case of regulating peasant properties the consolidation is compulsory. The following is the 86th clause of the law of March 2, 1850, on the regulation of the relations between peasants and lords, and on the commutation of real charges and services :—

"If lands belonging to peasant properties lie separated amongst and intersected by lands of the lord, a practical consolidation can be ordered. In a division of a common use, the lands not subject to a common use, but belonging to a property to be regulated by this law, can be introduced into the plan of the arrangement against the will of the possessor, and can be subjected to consolidation."

This legislation is however meagre, and is by no means as complete as that in Austria or at any rate in Moravia, where a special law on consolidation of lands apart from rights of common or any other matter was passed in September of last year. But the objections of Prussian Rhineland to consolidation seem now to to be vanishing, perhaps partly by the influence of the success in neighbouring countries of such consolidation, and partly by the growing conviction that intersected holdings are less profitable than compact holdings. Certainly no part of the kingdom requires more urgently such a law, for the very small holdings in it and their separation and intersection are well known. To remedy these evils a partial law was passed on the 5th of April in this year, applying the principle of limited compulsory consolidation apart from rights of common or other matters to the provincial district of Ehrenbreitstein. Of this law the first clause enacts that the agricultural consolidation of lands shall on the requisition of owners of more than one-half of the area assessed to the land tax take place, provided also the amount of land tax represented by such owners shall exceed the half of the total of the land tax of the district. But according to clause 2 the agreement of all interested parties is required in order to bring certain categories of property into the exchange, such as buildings, house gardens, parks, &c., such as chalk, sand, and lime pits, quarries, coal pits, &c. The 3rd clause applies to such consolidation the provisions of the Prussian Legislation The 4th clause declares that the exchange shall be carried out in land so far as may be possible. The 5th clause permits

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that no compensation in exchanging of land which shall render necessary an alteration of the mode of agriculture on the farm shall be forced upon a proprietor. An arable farm, for instance, cannot be thus changed into a dairy farm, nor even a chief branch of the agricultural industry of a property be thus endangered ; nor can a team-requiring farm be thus converted into a hand-labour farm, or *vice versâ*. The 6th and 7th clauses contain certain formal regulations. The 8th clause restricts the share of the occupier or leaseholder to the use or usufruct of the exchanged lands, and regulates the compensation of such limited interests, and defines the position of lessor and lessee. The 9th clause extends the operation of the law to the department of Wetzlar, under the direction of the General Commission in Cassel. The last clause abolishes all restrictions whatsoever in the provincial district of Ehrenbreitstein upon the divisibility of the land. It will be attempted in the fifth part of this report to give some idea of the practical working of this law. It will also be remembered that whatever there may be of interest in the New Provinces, in respect of consolidation of intersected lands and of rights of common, will form the subject of a brief supplementary report.

(γ.)—*The Dismemberment Legislation.*

s development.

76. Before proceeding to an examination of the existing system of special procedure, provided for carrying out the foregoing laws, it will be desirable to look at the chief details of the so-called Dismemberment Legislation. This part of the legislation sprung up from the necessary separation and division of lands which was involved in the 4th and 7th clauses of the Edict of October 9, 1807, and in consequence of the dominant principles of the freedom of trade in land belonging to the new era. It grew through the clauses of the National Agriculture Edict of September 14, 1811, the Decree of June 7, 1821, and the laws of April 21, 1841, into its present completeness, as manifested in the laws of January 3, 1845, of March 3, 1850, of May 24, 1853, and in several minor subsequent laws. This legislation for the dismemberment of land overrides for certain purposes all private arrangements and settlements, but is in all cases scrupulous as to interests of others.

77. It accords throughout with the principles of the Edict of October 9, 1807, with respect to the free powers for division and sub-division of landed property. But feudal estates and estates in *fidei commissa* formed general exceptions to the rule when the separation of portions or sub-division was desired only for private reasons of interest. There were were also till 1850 several special exceptions in respect of peasant estates in some parts of the Kingdom, which were either indivisible or of which the divisibility was subject to the consent of interested parties. There appears to be only one existing special exception, an exception which prevents peasants, whose lands held on a ground-rent have not yet been converted into holdings of their own free property, from exercising that right of sub-division. This dismemberment legislation supplies the method for apportioning the local taxes and rates, as well as the taxes of the States. The circulars of July 1857 and December 1861 contain full explanations and interpretations of the apportioning of local taxes and rates, the principle being that the incidence of taxation on the small separated property should not be greater than on the large and previously undivided property. That legislation also facilitates the exchanging or the selling and purchasing which the consolidation of a property may render necessary, and regulates the adjustment of the claims of real creditors. Its details.

78. With regard to this legislation it may be noticed, that several obstacles existed to the accomplishment of its aims. Not least of them was the land tax, of which the obstructiveness from its diversity and imperfections was proverbial, but this obstructiveness has been lessened by the provisions of the law of February 24, 1850. Another was the contradictory system of local taxation, which a reformed communal system alone could remove. Obstacles to it.

79. The clauses 2 to 24 of the Law of January 3, 1845, treat of the legal incidents of the division and sub-division of land, as to apportioning of taxes, rights of others, &c. The clauses 2 to 5, referring to the form and validity of the contracts, have after a short period of abrogation been replaced by the clauses 2 to 5 of the law of May 1853, which practically re-enact the former. The other clauses are for the most part in force, and so far as procedure is concerned, they seem to correspond to that of the Special Procedure Authorities. It must, however, be added that the restrictions imposed by the legal incidents of dividing land in this law are much diminished by the law of February 24, 1850. Yet as possession for a year and the personal attendance of the purchaser at the locality of the land are conditions of exercising the powers under this legislation, its tendency is to diminish trafficking in land. Law of 1845.

80. The clauses 25 to 32, treat of the establishment of new settlements. By new settlements is meant the erection of dwelling-houses or farm-steads by purchase, or otherwise on separated independent portions of land on which no such buildings previously existed. The dwelling-house may be of the lowest type, but permission for the erection is all the more requisite. Indeed, the clauses of this law not only provide for proper police superintendence and the obligations as regards the commune church and school, but seem directed at excluding squatters, for a notoriously destitute person would not be allowed to settle. A settler must prove himself capable of keeping body and soul together by his plot of ground, or by a mill, or the like upon it, otherwise he would be refused permission to settle. It seems that the evils, against which this power of refusal is directed, made themselves much felt first in Westphalia. In fact many of the complaints against sub-division of land were based upon the fact of the springing up of such squattings. The poorest people could only get the cheapest land. Hence they settled at the outskirts of distant forests, and on lands far removed from the district of any community, or church, or school, consequently they were withdrawn from police supervision and the usual influences of a community, church, or school. Too many settlers of that kind took to theft and other lawlessness; but on the other hand it was not denied, that such persons had often settled on uncultivated and unpromising land, built mud huts, and laboured with such diligence and activity, that from so small a beginning flourishing districts had arisen. This law, taking these things into consideration, requires the co-existence of two reasons for refusing authority to such persons to settle. There must be danger for the community and the police supervision must be trammelled by unusual difficulties; both must exist to warrant a refusal. In case of unauthorized settlement the authorities could destroy the erections. The clauses 31 and 32 refer to colonies and to laying out districts; this form of sub-division is only subject to the necessary supervision of the Authorities. The costs of experts employed under the legislation are also fixed by law (clauses 2 and 3 of the law of costs of April 25, 1856). As regards the cost of action under this legislation it may be observed, that a leading object of the legislation has been to make the costs as small as possible. New settlements.

(δ.)—*The Special Procedure in matters of Real Charges and Services, and of Rights of Common.*

81. It will render more complete the sketch of these parts of the Prussian Agricultural Legislation to fill in an outline of the special machinery for carrying out their provisions. It has been already incidentally mentioned that a special procedure in such matters was established. This is based upon the Law of June 20, 1817, which indeed constitutes, with a few suppplementary laws, the legislation on the subject.

Authorities.

82. The Ministry of the Interior was, before 1848, and the Ministry of Agriculture has been since 1848, the executive organ of this legislation. Under it are the General Commissions and the Appeal Commissions, who are co-ordinate authorities. The sub-officials of the Provincial Government, and the Tribunals of Appeal, are also charged with affairs coming within their domain. The Appeal Commissions, of which there were formerly five, but recently only one, consisted of five specially qualified members, and formed Courts of Second Instance. The General Commissions consisted of an agricultural expert, and a lawyer with special knowledge of agricultural subjects, and formed Courts of First Instance. Under the General Commissions were Special Commissioners. At first these were practical agriculturists, but latterly they have been legally qualified persons with special agricultural knowledge.

Procedure.

83. The procedure is briefly this. A claimant sends in a requisition to the General Commission, which is delegated to the competent Special Commissioner. All formalities and conditions as to status are those of the ordinary procedure. Proof of title was at first required for every kind of claim, but is now restricted to claims involving the receipt of commutation capital. As to outward form of the procedure the General Commissions have full powers. Whenever disputed points affecting an individual must be settled antecedently to a winding up of the proceedings, a decision on the special subjects before the Commission can be taken *ad interim*. The Special Commissioner is bound to obtain an opinion as soon as possible, and in as simple a form as possible, in respect of rights of common as to the value of the whole subject of commutation, and the share of each interested party; and in respect of real charges and services as to the estimated value of those appertaining to either party. For this he is to call in experts. A survey must be made whenever it may be necessary. Arbitrators can be called in to decide disputes as to value. But the great object of the special procedure is to ensure the quickest solution of the questions. The record of the decision must be full and explanatory of all points, and of the reasons for the conclusions in the decision. In matters of rights of common the decision can include plans for new roads, ditches, &c. As to carrying out the decisions, there appears to be a power reserved to the General Commissions to put a plan into execution on behalf of an interested party who may demand it, without awaiting the result of an Appeal on any points to the Appeal Commissions, if it is clear that he would suffer prejudice by the delay. The execution of the decision is completed by handing to the possessor the surveys of their awarded lands. Then follows the official declaration of the rights of all parties, which is signed by those interested in the decision. With a few exceptions, concerning agricultural improvements on the lands, the matter then reverts to the ordinary tribunals for decision on disputed points which may subsequently arise. The costs are in general paid by all the parties, but the State pays the General and Appeal Commissioners, and grants exemption from stamps and fees in matters of mortgages. The costs, however, which are caused by any enlargement of the special question to be decided are to be borne by the parties interested in it. In the commutation of rights of common the costs of survey and the like are to be borne by all in proportion to the advantage obtained by each. In the commutation of real charges the costs are shared.

Thaer's view of such procedure.

84. In concluding this epitome of the laws establishing the special procedure, it may be recalled that Thaer had rightly conceived the impossibility of subjecting such varying matters as the regulation of property relations, the commutation of real charges and services, and the extinction of rights of common to an inflexible form of procedure and an unvarying definition of powers, and had insisted that such fixity would be most prejudicial. From that epitome, too, it will be seen that the authorities for the execution of the laws were left in accordance with Thaer's opinion unshackled by unbending rules of procedure or unchanging principles of decision.

But this epitome cannot be concluded without mentioning the name of the late Dr. Lette, who, till the day of his death in last year and for so many years, held the presidency of the Board of Appeal in special procedure at Berlin. There has been no need for special reference to Stein and Hardenburg, as great personages of the era of free agricultural organization. But if it has seemed desirable to refer to others and especially to Albert Thaer as personages of note, for their share in the great work of the earlier

period of the legislation, it is also imperative to refer to the late Dr. Lette for his share in the great work of the later period. He certainly yielded to no man in having the interest of his country at heart. As President of the Board of Appeal his great merit lay in his perfect independence of character and his strict impartiality of judicial decision. He was always the judge, and held the scales of justice with a firm hand and an even balance. Unswayed by political partisanship he was, whatever his politics were, as truly liberal a man as his country has produced. To him mainly the opinion of a grateful country attributes the continued success, in spite of many a difficulty, of the judicial administration of the National Agriculture Legislature.

(e.)—*The Legislation for Land Improvements.*

Its development.

85. This legislation comprises at its earlier period most of those land improvements which are, in the main, wisely left to the action of the gradually developed forces of agricultural activity, and establishes, at its later period, principles of self-help, with the novelty of compulsory enactment for the promotion of land improvements. Improvement of the land is often an almost imperceptible process; the minute labour of the many can only be subsequently known by the aggregate result in the additions made to the national wealth. But the greater works are at once patent. It is to them only that the State may find it necessary to give a helping hand. In this sense Prussia seems to have legislated. But at first she applied that requirement of assistance on the principle that the State should itself undertake large works of improvement. The earlier undertakings by the State, amongst which the draining of the twenty-two square German miles of the Havel Bog is conspicuous at the beginning of the last century, need not be here noticed, nor need that undertaken by Frederic the Great for the improvement ot the Oder Bogs, of which the lower ones were in 1832 also drained. Many other improvements took place or were commenced in the period from the beginning of the reign of Frederic the Great to the promulgation of the Prussian Body of Law. This code, while recognizing the progress already made and giving a better legal system to some kinds of improvement, surrounded others of a greater importance with many difficulties, which could be seldom removed. The National Agriculture Edict, however, reverted to the idea of the Crown commanding works of improvement, and recognized many necessary undertakings as exceeding the force of individuals, and as therefore to be performed by the State. Then followed in the course of the next fifty years many a law for the improvement of the land.

Law on Reclaiming Land of 1811.

86. The Law of November 15, 1811, for reclaiming land marked the beginning of the change of system and of the introduction of new principles. It initiated the law as to works of draining, &c., and created a simple and practical administrative procedure for such works. In particular it regulates the damming of water for mills, so as not to prejudice the rights of others. It makes the clearing out of ditches, &c., subject to orders from the police. The principle of expropriation is applied, and accordingly a dam or even a mill can be removed on payment of full compensation, if the improvement of navigation or of agriculture can thereby be promoted. For similar reasons trenches through the lands of other owners and also from stagnant waters can be cut. But there is no period of limitation fixed for barring the preference of claims, &c., and in this respect the beneficiaries under this law are not in as sure a position as those under the law now to be noticed.

Irrigation Law of 1843.

87. The law of February 28, 1843, respecting the "Utilization of the Private Rivers," marks a yet greater advance. It was the result of a general demand for facilities of irrigation, on which subject Thaer had long before held up as a striking example of the results of irrigation the system of irrigated meadows in Siegen (a department of Westphalia), where since 1790 the law had recognized a traditional principle of association in common of all owners along the banks of a stream for purposes of irrigation. The question as to what is a private and what is a public river seems to be as much disputed in the domain of the Prussian body of law as in the domain of most other systems of law—not excepting the French.

A public river is however generally held to be a navigable river, and may be extended to mean a raft-bearing river. Hence this law applies to all other rivers and streams, with the exception of streams owned exclusively by one owner, and of streams subject to provincial laws or bye-laws or entitled to exemption from any other special legal reason. It grants to every landowner on the banks of a private river the right to use the water for his private advantage, providing his damming of the water do not extend beyond the boundaries of his own estate and do not cause flooding, and provided the water be reconducted to the river without encroaching upon the neighbour's land. Several owners can unite in carrying out a work of irrigation over their lands as in one estate. If

the opposite banks of the stream are occupied by different landowners, then the water is shared. No special permission is required for such works of irrigation, but neighbours, manufacturers, and others can make good their objections, and the State can interfere for the public welfare. The landowner can, however, guard against such objections and such interference by previously submitting his plan for the approval of the departmental council, and announcing it in the local journals. After three months the raising of objections would thus become barred. But, if it be of paramount interest to the national agriculture, the landowner can meet objections in another manner, and even encroach legally upon the property of others in spite of their objections. He can require, on payment of full compensation, that the necessary water conduits so far as they cannot be opened out on his own estate shall pass with right of way through the lands of another owner; that his dam shall reach to the opposite bank; that a certain injury to neighbours by back water, or flooding shall be allowed; and that the owner of machinery driven by water shall submit to a restriction of his right to water. For a similar paramount reason the landowner on the bank of such a stream can cede to neighbouring owners his right to the utilization of the water. In all such cases certain departmental authorities elected from the departmental council are empowered to try to reconcile parties in dispute as to the exercise of the above powers, and on failure, to decide as to the existence of such a reason of paramount advantage, with an appeal, however, first to the Provincial Government and then to the Ministry of Agriculture. For investigating the projects, to which the existence of this preliminary reason is conceded, Commissioners are appointed by the Provincial Government. They examine the plan, lay down conditions, and fix the compensation by aid of appraisers (adding 25 per cent. to their estimates) respecting the amount of which an appeal lies to the Board of Appeal in Berlin. In carrying out this united encroachment on the rights of others for the public good, and for the direct private advantage of a landowner, the law gives many directions for the purpose of avoiding harshness, and for the purpose of converting such undertakings as much as possible into undertakings in common.

Allows legal encroachment.

Compels works of improvement.

88. Lastly, it must be noticed that in its third part this law provides for the creation of Associations at the will of the State for making improvements. It declares that, whenever the utilization of water for irrigation would be of advantage to a whole neighbourhood, but can only be carried out by the united action of all the owners of the district, then the executive of the Crown shall command the construction and maintenance of the work, and shall order for that purpose an association of the landowners. If such associations are voluntarily formed, their Articles of Association are approved by the Ministry of Agriculture. If they are ordered, then the Articles are approved by the Crown. It will be observed that no special procedure is provided for carrying out the law, and in this respect the irrigation beneficiaries had not the same advantage as the beneficiaries under the law for reclaiming land.

Marks an advance.

89. The foregoing law has been treated with rather more detail than other laws appertaining to this branch of the agricultural legislation, because it certainly marks a great advance in ideas as to the relative rights of the State as representing the community, and of private individuals as parts of that community. This law follows the law of November 15, 1811, in allowing the interest of one individual to override the rights of other individuals whenever that interest accords with the national welfare; but this law goes further, and, for what may certainly be dignified with the designation of reasons of State, compels the performance of works of improvement by the parties to be benefited. The law in fact declares, that the State on behalf of the whole community can disregard the obstructiveness of the individual.

Assimilation of laws.

90. In 1846 the legal incidents of reclaiming land and of irrigating land, began to be assimilated, and the period of limitation as to claims was extended to the former. In 1853 the principle of compulsory association was also extended to the former, and the principle of carrying water-conduits through the lands of other owners was extended to the system of sub-soil drainage by the law of May 11 for Hohenzollern. This latter extension of the legislation for land improvements does not yet appear to have been extended to other parts of the Kingdom. Probably the experience of sub-soil drainage in Prussia is not yet sufficient to warrant such extension.

Dyke Law of 1848.

91. It must be recorded that as early as 1842 the draft of a general "Water" law was drawn up and advocated in an able memorandum. The plan however fell through as a whole, but parts have from time to time become law as separate laws. Of these was the previously noticed law for the utilization of private streams. Another is the law of January 28, 1848, upon the system of dykes, which was issued for the whole kingdom, irrespective of the dominant system of law in various parts. This law is in fact a necessary supplement to the law for reclaiming land, and concedes to the long existing Dyke Associations that

improved and practical legal position with which later associations had been invested. It compels under survey of the Crown the maintenance of the dykes, private or otherwise. It further recognizes the principle of compulsion in works of land improvements, and obliges all interested parties to erect any new necessary dykes, and to maintain them at their cost in common. The obligation to the dyke-rate cannot be barred by any lapse of time.

Compels new dykes.

92. This branch of the Prussian agricultural legislation would not be complete without recording the law for the cultivation of forests, of June 1, 1854, for the Department of Wittgenstein. This is an attempt to extend the legislation on land improvements to the utilization of wastes and bare places by plantations of woods. It provides for thus planting all such lands hitherto not brought into tilth, and adopts the principle of compulsory association, limited however by agreement of a majority of the interested parties. The lands are designated out-lying outer lands (Aussenländereien), and are mountain-lands belonging to neighbouring farms or villages or towns, subdivided into portions of half-an-acre to seventy acres and forming independent holdings. The law seems to be modelled after the example of the associations which in some parts of the Rhine Province and Westphalia have long existed for such plantations and traffic in wood in common. Some of these associations appear to have existed from time immemorial, and to form a remnant of the ancient system of common use and cultivation which obtained so widely in the Rhine districts. In these districts, which have received the system by tradition, there are now regulations and laws for this purpose of forest cultivation. But this portion of the Prussian legislation has not been extended to any other parts of the kingdom. The draft of a law for compelling forest cultivation has, however, just been introduced into the Prussian Chambers.

Forest Law of 1854.

93. The legislation for land improvements has been also applied to the Rhine Provinces. The French law, as introduced at the beginning of this century, provided for irrigation, and a special law in 1803 provided for reclaiming land, and for the regulation of dams. The comprehensive law of 1807, upon dykes, draining of marshes, &c., has been little used in consequence of its complicated procedure. In January 1845 the law of 1843 upon the utilization of private streams was extended to the Rhine Provinces. In October 1846 the Meadow Decree, based upon the principle of the meadow system of Siegen, was issued. It gives a complete legal status to the Siegen Associations, and differs from the law for Irrigation Associations by the absence of compulsion, except on the agreement of the interested parties to form Meadow Associations, and also in the provision of a consolidation of irrigated meadows in common, on the agreement of two-thirds of the interested parties, according to holdings and owners. In 1859 the provisions for reclaiming land were applied to the Rhine Provinces. And whilst this legislation was introduced into the districts subject to French law, it was also introduced into new Pomerania and Rügen, which are subject to German common law.

Applied to Rhine, &c.

Irrigation Law of 1845.

Meadow Decree of 1846.

Reclaiming of Land Law of 1859.

94. Finally, it must be noticed that during the later period of this legislation the State has adopted the principle of giving aid by advances to works of improvements. It has thus expended in the 17 years, from 1850 to 1867, about 500,000*l.* sterling. The greater portion (370,000*l.*) of this has been provided by annual votes during the 17 years, varying from 7,500*l.* to 30,000*l.*, to a fund at the disposal of the Ministry of Agriculture for Land Improvements. Since 1853 the repayments of such advances have been handed over to a section of the Treasury, charged with the management of a Fund of Repayments for Land Improvements. From this Fund loans are again made, and in this manner some 30,000*l.* have been advanced.

State loans.

95. In Prussia as elsewhere the State seems now to have wisely resolved to help those who help themselves, but it also compels them in some cases to help themselves. Instead of carrying out large undertakings it now seeks to quicken the activity of the individual, to give him every facility, and to assure him of pecuniary assistance by means of advances. It also seeks to give to works of land improvements the best possible credit. Hence, for instance, the creditors of such a work have a claim prior to mortgagees upon the benefited lands. Another facility is the power to the associations to issue a fixed maximum of debentures to bearer, with a fixed rate of interest and a plan for a sinking fund. At first, the State guarantee was added, but is no longer required. The State loans are usually at 3 per cent. interest, and 2 per cent. sinking fund, with a free period of 3 or 5 years. The State also usually provides the cost of the preliminary surveys and plans. When the undertaking is very large and embraces many districts, Administrative Commissioners are appointed to superintend the carrying out of the scheme.

Self-help, and compulsory.

Means of facilitating improvements.

It will be perceived from this sketch of the legislation for land improvements, that this branch of the agricultural legislation must be credited with a fair share of the agricultural progress effected since the beginning of this century.

(ζ.)—*The auxiliary Legislation.*

96. A short notice of the various ways in which the national agriculture has in Prussia been promoted by what may be termed auxiliary legislation, will not be out of place in this investigation.

Land tax.

Although it is scarcely an object of auxiliary legislation, yet as it is auxiliary to agriculture, the improvement of the land tax, which had become proverbially oppressive, must certainly be named here, for the development of the Prussian national agriculture has not been unaffected by the influence of the Land Tax. This tax was most diverse and unequal. In Posen, for instance, it was till 1844 based according to regulations of the ancient Slave period partially upon the number of chimney flues, and hence gave rise to numerous difficulties on the dismemberment of a landed property, for the house and its flues were not likewise dismembered. In 1820 the new tax legislation endeavoured to render equal the incidence of this tax, and consolidated various taxes into one uniform land tax. But it was not till 1861 that the Land Tax was established on a fairer and better basis. The legislation of 1861 found as regards lands twenty chief systems of land tax and a hundred various kinds, and as regards buildings a great multiplicity of systems; and it had also to deal with great inequalities in the proportion of land tax paid by each province. This legislation fixes the tax on dwelling-houses at 4 per cent., and on other buildings at 2 per cent. of the value of the use, and provides that the aggregate amount of the tax on lands shall be a fixed sum, to be distributed proportionately amongst all real estates in the Kingdom according to their ascertained value. The classification of land is founded upon the mechanical analysis of the property, *i.e.*, an analysis with regard to the kinds of soil and the kinds of cultivation, &c. The legislation also abolished, with compensation, certain exemptions and privileges. The object of this legislation on the land tax was twofold, viz., to equalize the incidence and to render the ratio of incidence correspondent to the ratio of incidence of taxation on other kinds of property. This is too brief a sketch of so interesting though difficult a question as the Land Tax.

Geometrical survey.

97. But a great benefit of this legislation has been the more or less complete geometrical survey of the kingdom. It has not only caused the inequalities of taxation to be redressed, but it has enabled the owner to estimate more accurately the value of his property, and in this manner it has tended to increase real credit.

Agricultural technical institutions.

98. Ranking in such auxiliary legislation are the measures taken for instruction in, and improvement of, agriculture itself. By such measures the agricultural technical institutions have been established for the purpose of combining theory with practice. It will be recollected that this mode of promoting agriculture was mentioned in the Edict of 14th September, 1811. They date mostly from the issue of instructions in 1848, and are under the supervision of the Minister of Agriculture. They exist since 1850 at Eldenau, and since 1847 at Bonn and at Proskau. One was founded by Thaer in 1806 at Möglin, and a fifth existed at Regenwald. But some of these have disappeared.

Agricultural associations.

99. By such measures the Agricultural Associations were called into being. These are a direct result of the Edict of 14th September, 1811. They are numerous, and work in connection with the Agriculture Board (Landes-Œconomie Collegium) in Berlin. They aim at the promotion of agriculture in general, and also of certain kinds in particular. They make their own Articles of Association according to the object they have in view, and the wants of the district, but the Articles require or required assent of the authorities. They are mostly supported by voluntary contributions, but some receive assistance from the State. Others, again, have received endowments in various shapes. In 1838 there were eighty-eight such associations, whose chief aim was to secure the perfection of the art of cultivation.

Model farms.

100. By these measures also model farms have been created. These were permitted in 1809, and detailed regulations were issued in 1811. The National Agriculture Edict of 14th September, 1811, ordered the establishment of such model farms in each province, and set apart funds for their maintenance. These measures have, however, not yet received any corresponding result, partly, it is said, from failure of funds, and partly from want of competent directors for such farms. But the chief reason seems to be that model farms are a mistake. There are, notwithstanding, such farms chiefly in the Province of Prussia.

Other aids.

101. Mention must also be made of the special pecuniary assistance given by the State to several of the provinces. Such was the subsidy to Pomerania of 110,000 dollars in 1802. Loans were, by means of it, advanced for making improvements on mortgage to corporations and owners of privileged lands without interest, but without annual payments after three years of 4 per cent. to the sinking fund. In 1849 the reservation of this benefit to privileged lands was abolished, and the annual repayments were made into $3\frac{1}{2}$ per cent. interest and $1\frac{1}{2}$ per cent. sinking fund. A similar subsidy of 300,000 dollars to the

provincial district of Köslin in 1846 is devoted chiefly to the promotion of agriculture on the smaller peasant-holdings. These subsidies seem to have constituted the beginning of the institution of loan funds ("Hülfskassen") in connection with each Provincial Government for the assistance of agriculture. Purses for particular improvements have also been founded. Prizes for the best treatises on various agricultural subjects have been offered likewise by the State. For a similar purpose the National Agriculture Edict of 14th September, 1811, makes it a duty of the agricultural commissaries, and some other authorities to avail themselves of opportunities to instruct the possessors of land in the most advantageous mode of using the soil, to make the latest improvements in agricultural arrangements known in the district and to urge their adoption. In this sense the Administrative Authorities of the State and Provinces have issued many an instruction, as witness those with regard to the potato disease and cultivation, to linseed and to beetroots; as also those recommending the cultivation of certain useful plants; as also those recommending practical agricultural implements; as also those pointing out practical modes of using field produce, otherwise wasted, such as frost-bitten potatoes, &c.; as also those recommending the practical modes of preserving field produce; and lastly, as also those recommending certain economical arrangements, such as bakehouses for a commune, &c.

Ministry of Agriculture.

102. Finally, reference must be made to the often incidentally mentioned fact of the existence of a special Ministry for agriculture, although the scope of this inquiry does not take in the administrative organization of Prussia. This Department was separated in 1848-49 from the Ministries of Commerce and of Finance, and has under it the central authorities of the National Agriculture Board and of the central commission for the rent-charge banks. Then there are the provincial authorities, and also a board of appeal for all matters of national agriculture, besides the special procedure authorities previously noticed. It will also be of interest to notice the organization of the Agriculture Board (Landes Œconomie Collegium) in Berlin. This consists of members for life, selected by the Minister of Agriculture from the practical men of each province. They meet together four times a year, and are liable to be summoned at any time to Berlin by the Minister. They constitute, in fact, a deliberative council on agricultural subjects in aid of the Minister. Their actual expenses are paid, but the chief feature of the institution is that the members are unpaid. The members, however, receive the title of Agricultural Counsellors (Landes Œconomie Räthe) and may pass from that rank to the rank of Royal Special Counsellors. The Board issues an annual Report containing valuable information on agricultural matters; but whether or not, the institution is the best fitted for the object in view I am unable to say.

(b.)—The Laws limiting the Powers of Disposal over Landed Property.

103. It has been already noticed that the Edict of 9th October, 1807, contained an amendment of the Law of *fidei commissa*. It will, however, be necessary to inquire further how far property in land is restricted by existing Prussian Laws and Institutions.

Right to dispose of property.

By the principles of public law the exercise of free power of disposal over property may be limited to the life of the occupant. By the civil law the exercise of these powers was prolonged beyond life by recognizing in law the will of the occupant as to disposal of his property after death. According to German views these free powers ceased at death. But the German Law diverged widely from reputed German views, and seems to have gone even beyond the Roman Law in the freedom of disposal which it conferred. The Prussian Law has for its basis the free will of the deceased, whether his will be embodied in a deed or in what is emphatically called a will. From this rule there are few exceptions. The rule is manifested in the freedom of powers of appointment and bequeathal. The exceptions are found in the doctrine of indefeasible heritages. It is obvious also that the rule, as exercised by past occupants, has created for present occupants what are practically exceptions to the rule, for the incidents of *fidei commissa* and the fixed descent of certain kinds of landed property constitute restrictions on the conceded freedom of disposal. If the State had merely conceded the right of nominating an heir who should, or heirs who should severally, exercise subsequently a similar right, such exceptions could not have arisen. A nearer approach of national law to the principles of public law would confirm the use thus restricted of powers of disposal, subject to certain necessary limitations, but would not confirm that use of the freedom of disposal which enslaved the property without power of emancipation in the hands of subsequent occupants. Prussian Law, however, lays down the rule and exception just mentioned. But whatever is a restriction on the freedom of disposal is, if the property be land, a restriction on the power of the owner to sell his property. It will, therefore, be requisite to consider briefly on the one hand the legal incidents of *fidei commissa* and the nature of the fixed descent of certain kinds of landed property, and on the other hand the nature of indefeasible heritages. The former

constitute restrictions created by private individuals with the aid of the law. The latter constitute restrictions created by the State in the law. The first class of restrictions now claims attention.

The system of *fidei commissa* for the benefit of families shall be first examined, leaving for subsequent notice the restriction of hereditary estates ("Stammgüter") and fiefs, and of the laws of certain common rights in property ("Gütergemeinschaft") of the Prussian nobles, as well as the restrictions from customs of the estate having the force of law.

(*a.*)—*Restrictions by the Institution of Fidei Commissa.*

Definition of *fidei commissum.*

104. By the law of such *fidei commissa* is understood the law regulating the creation, under private directions, of entails, settlements and other forms of trust, for the benefit of one member of a family.

Comes from Roman law.

This system is that of the Roman civil law modified by German common law. The civil law recognized powers of appointment in favour of a member or members of a family. It, however, recognized only the form of a legal arrangement between living persons. The duration of a *fidei commissum* was originally determined solely by the will of the founder, and the property became in the hands of the last-appointed heir, free and capable of being by him again placed in a *fidei commissum.* But Justinian limited the duration to a certain number of generations.

Grew in Germany.

105. In Germany this legal institution grew up from the seeds of Roman Law under the influences of antecedent and contemporaneous circumstances peculiar to Germany. Landownership, as in other countries, was the first outward sign of wealth. Early law was, consequently, favourable to transmitting landed property undivided to the sole use of one member of the family of an existing owner. The peculiar intestate succession, which either excluded females or preferred males to females, obtained in Germany, and effected this indirectly. Hence arose rights of expectation on the part of heirs, and ultimately restrictions of the right of the occupant for life to alienate the property. These restrictions were brought about more especially, on the introduction of Roman Law, by the nobles, who foresaw danger to their position from the increasing custom of alienation of land by possessors under the pressure of agricultural circumstances. The German common law was then developed on Roman models in its dealings with land and in other matters. The property rights of the nobles were accordingly defined, and the institution of *fidei commissa* established, not only for them but for all classes.

Incidents of its foundation.

106. The will of the founder is the basis of *fidei commissa.* The German common law prescribes no restrictions as to the persons to be benefited. Such restrictions may occur in consequence of the prohibition in special national bodies of law to certain persons to hold certain property. The objects of a *fidei commissum* are by the common law restricted to available objects of property yielding returns without waste of the original object. Hence immovable capital, such as landed property, forests, mines, houses, can form such objects; hence all movable capital can form such objects. The Prussian General Body of Law recognizes both categories of objects. The same rule obtains in Hanover but not in Hesse, where landed property is a legal object of *fidei commissa.* The property forming the object of a *fidei commissum* must be quite free from all charges and claims. If, therefore, it be landed property, the *fidei commissum* is no bar to the rights of the mortgagee. The legal and obligatory shares in an inheritance which belong to certain relatives must be paid before the object of the *fidei commissum* is set apart. A fief can, under certain conditions, become the object of a *fidei commissum.* According to the common law there is no restriction whatever as to the value of the objects of *fidei commissa,* but special national bodies of law contain restrictions. Thus, the Prussian Body of Law requires for landed property a net income of nearly 400*l.* from the property after payment of all debts, charges, and claims. The Hanoverian Body of Law places the minimum at about 180*l.* a-year. The Hessian Law requires a value of 7,500*l.* in the landed property.

Form of creation

107. A *fidei commissum* can, according to the common law, be created by contract, deed or will. But the Hanoverian law restricts it to creation by deed. The creation is surrounded by several legal formalities. In Prussia it is also subject to judicial incidents, and in Hanover, Hesse and Oldenburg it is subject to the consent of the Crown. Its creation, therefore, is often more difficult than the creation of similar entails and settlements in England.

Powers of tenant for life.

The tenant for life can let on lease and charge the land with annuities to his daughters, and can cede any or all of his rights to third persons, even gratuitously for his life. It is recognized by the Bavarian law as the duty of a tenant for life to provide for his brothers and sisters and widow of the predecessor if they be destitute of fortune, as also to give dowries to his daughters and sisters; and by the Hessian law as his duty to give to sons an allowance on founding a home of their own equal to the sustenance then afforded.

The amounts are not fixed; they are dependent upon circumstances. But the Prussian Body of Law is silent upon this point. The other powers and obligations of the tenant for life are the same as in England. Landed property in *fidei commissa* can, of course, be expropriated. Many earlier jurists laboured in favour of establishing such classes of reasons for destroying the inalienability of property in *fidei commissa* that they would have entirely defeated the aim of the institution. But the times were not ready for such doctrines, and landed property in *fidei commissa* could therefore be alienated only on grounds of usefulness and necessity. By necessity are meant expropriation, and the like, and by usefulness is meant the sale of useless property: *i.e.*, property, producing no net increase or even causing outgoings beyond the returns, which may form part of the *fidei commissum*. A wrongful alienation will become valid against all parties as soon as the right of restitution has become barred by lapse of time. Property can be removed from a *fidei commissum* by consent. The Prussian Body of Law insists upon the decision of a family council of all interested parties. This condition with the previous formalities is upheld in the law on *fidei commissa* and fiefs of 15th February, 1840, but has been accompanied with the following exceptions, viz.: that the family decision is not necessary when dealings with the property take place in connection with legal obligations and when exchanges of parcels of land are effected in the same neighbourhood, or parcels of land are sold in order to purchase others in like manner. In these cases the consent of the two next heirs in remainder only may be required. The Baden Body of Law allows an alienation on obtaining the permission of the Crown alone, and allows without such permission the alienation of parcels of land, provided the original legal minimum value of the property in *fidei commissa* be maintained. The Hessian Law follows the Prussian, but substitutes the competent Tribunal for the two next heirs in remainder as regards exchanges of land.

Limits of inalienability.

108. The property in *fidei commissa* pays the debts of the founder, also the expenditure of the possessor for the abolition of real charges, for embankment dues, for flood rates, for rebuilding, and for bringing worn-out land again into cultivation. The Prussian Body of Law accords with the common law; but makes the income, and not the capital, liable for the repayment of certain kinds of expenditure, and makes the contraction of some kinds of debts dependent upon the decision of the tenant for life, the heirs in remainder and the *fidei commissum* Judge sitting as a Court of Equity. The Hanoverian Law requires the consent of the competent Department of the Government to the contraction of debts, and requires further that they should be paid off from the income within a period fixed by that Department. The Hessian Law mainly follows the Prusssian; but limits in most cases the aggregate of debt incurred to the excess in the value of the settled property beyond the legal minimum value, and insists upon a sinking fund for repayment out of income. The successor to the estate seems to be bound to pay to the heirs of the tenant for life the moneys laid out in improvements of the property.

Charges on property in *fidei commissa*.

109. The order of succession under a *fidei commissum* is prescribed by the founder. But the selection of a succession to the oldest member of the family is for the future prohibited. The common law recognizes not only children born in wedlock but legitimized children as capable of succeeding. But the special national Bodies of Law differ in this respect. The Prussian Body of Law does not admit legitimized children to succession. Monks are excluded from succession, and it would be contrary to the intentions of the institution to allow dishonoured persons, *i.e.*, persons not in the full enjoyment of their rights as citizens, to succeed. The succession is usually limited to male descendants. The Prussian Body of Law excludes the female descendnats even after extinction of the male descendants, unless the founder of the *fidei commissum* shall have otherwise directed. The Hanoverian Law, recognizing primogeniture and the preference of male descendants, follows the Prussian. So does the Hessian Law. But the Brunswick Laws admit the female descendants on the extinction of the male. Whenever the founder has not determined the order of succession, then the settled property follows the laws of succession. Thus according to Prussian Law it would pass to eldest sons; and when the last occupant has no son would then only pass to the eldest daughter and her male descendants, then to the second daughter and her male descendants, and so on, till, in default of such descendants of any daughter, it would pass to a male descendant of the cognates of the founder, who would take the place of the founder.

The order of succession.

110. The duration of the *fidei commissa* depends also entirely upon the will of the founder. The German jurists have most fully discussed the limited or unlimited period of a *fidei commissum*, learnedly as to the bearings of the civil law, and contradictorily as to the bearings of the common law. Special national Bodies of Law have, however, usually recognized its perpetual character. A *fidei commissum* can, according to the common law, be extinguished by the general consent of the family. The Prussian Body of Law contains no such an enactment, but the practice of the Law Courts, having been in

Its duration.

accordance with that principle, the Edict of October 9, 1807, placed it beyond doubt, and the Law of February 15, 1840, confirmed it. The Baden, Brunswick, and Hessian Laws established it, the first requiring the additional consent of the Crown. Legislation can also extinguish *fidei commissa*, as well as prohibit their creation in the future, for it merely uses the principle of expropriation. Thus in the Rhine Provinces, and in many parts of North Germany they were abolished on the introduction of French Law, without any compensation to the heirs in remainder, or with the single reservation of the succession to the next heir. They were, however, re-established in nearly all such districts. The 38th paragraph of the Land Rights of the German People runs: "The *fidei commissa* are to be abolished. The form and conditions of such abolition are to be determined by the legislation of each State." Accordingly, but not consequently, Brunswick in 1850, and Oldenburg in 1852, promulgated such a Law. The Law in Brunswick was withdrawn in 1858; but the Law in Oldenburg appears to be still in force, so that in a generation land will there be almost completely freed from the restrictive effects of *fidei commissa*. In the former law the possessor received limited free powers of disposal, the next heir received at the death of the possessor one-third of the value of the property, and the relatives who were entitled in law to obligatory shares in the inheritance received another third of that value. In the latter law the possessor receives free powers of disposal only on the death of the heir next in succession at the time of the passing of the law and of his child, or on the extinction of their rights by, for instance, the birth of a nearer heir. In the meantime the legal rights of the heirs in remainder are maintained. A similar abolition of *fidei commissa* found a place in the Prussian "Constitution," but was cancelled in 1858.

bolition by ench law.

ormer law of runswick on olition.

bolition in ldenburgh.

111. The creation of *fidei commissa* was intended to preserve the wealth and position of certain families. It is doubted in Germany whether on the whole the institution has succeeded in even fulfilling its intention, and it is held that the State cannot have a special interest in the wealth of a few families, but must regard the welfare of the whole nation. Their perpetual nature, too, is used as a weapon against the institution, for if it be unfair to make a law of the present retroactive into even the immediate past, is it not unjust that private individuals in the past, more or less distant, should make laws of the Medes and Persians that change not throughout the future, and should thus fetter by their *fidei commissa* the free development of a nation's resources?

erman opinions.

112. This outline makes evident the restrictions to which property in land is subjected by reason of entails, settlements, and other trusts arising from the private directions of individuals, and shows how similar the institution of family *fidei commissa* is to the English institution of entails and settlements, and also in what respects the legal incidents of such entails and settlements differ from those in England.

In order to complete this part of the subject it is necessary to notice the other restrictions of a similar nature arising from hereditary estates ("Stammgüter"), from fiefs, from common rights in property ("Gütergemeinschaft"), and from customs of the estate.

(β.)—*Restrictions by other Institutions.*

Iereditary estates.

113. The hereditary estates in Germany are no doubt the remnants of a system from which the English law of intestate succession for land has descended, and from which the tradition of heir-land amongst the peasantry in many parts of England has arisen. They are, in fact, estates which strictly descend by a customary entail from father to son, either subsequently recognized or still unrecognized by local law. Such a custom of succession can be traced back to the 6th or 7th century, and is said to be recorded by Tacitus. This custom existed before laws, and doubtless formed the basis of many a law on land. The feudal law of descent is connected with it, and the German *fidei commissa* are a later growth from it. The political signification and the political history of such a custom and such estates need not be referred to here. The succession to these estates is that of a strict entail, for only descendants of the original acquirer or, to use a law term, the original purchaser can inherit them. The estates, therefore, differ from the allodial lands of modern signification, although the term allodial land seems originally to have been synonymous with hereditary land. If an hereditary estate arrive into the hands of a descendant of the original purchaser without there being any other descendant of his to inherit them, that last descendant can dispose as he will of the property. But otherwise the inalienability of the property is strict, and is an essential incident of hereditary estates. In what are called allodial hereditary estates the succession is the succession of the civil law, unless tradition or custom has sanctioned the succession of the eldest son. But it is only of strict hereditary estates that mention is here made. Even in the hereditary estates of peasants, with more or less of dependence upon the lord of the manor, the rule as to nalienability, and consequent indivisibility, is retained. It seems, however, that the

inalienability can be destroyed, or, in other words, the customary entail can be disregarded on the agreement of the occupant with the next heir, without any other heir in succession having the right to object. If, also, the occupant find himself in dire need he can alienate the estate on first offering the purchase of it to the next heir. If in any other manner the hereditary land were sold, then the next or other heirs could follow it into the hands of the buyer and repossess themselves of it without giving compensation. As regards such lands belonging to townsmen they gradually lost their hereditary character, and where the original character still subsisted, the right of repossession of the next or other heirs in case of unauthorized sale was changed into a right of pre-emption. But they seem to have maintained their character in many parts of Germany as regards lands belonging to the peasants. In Prussia this character has been almost entirely removed from peasant properties, and except for the custom to which many peasants adhere of willing the land to one, usually the eldest, son after making legal provisions for the other children, the trace of it amongst peasants would be almost lost. But there are still such entails held by the higher classes founded either on custom, or on a family bye-law, or on a provincial law. In conclusion, it may be noticed that a Decree of 1836 reestablished the privileged landowners in the Rhine Provinces, so that the Rhenish nobles became entitled to bequeath their estates to one son, after making a certain provision for other children; but it has not yet appeared that this law has had much practical effect.

The other legal incidents of hereditary estates are, *mutatis mutandis*, those of estates in *fidei commissa*.

Marriage property rights.

114. In the next place there are the restrictions on the right to dispose of land caused by the so-called property right ("Güterrecht"), or the so-called system of property in common ("Güteremgeinschaft"), which comes into operation on the occurrence of marriage in various forms and shapes according to the province. So far as the system affects land it is entitled to insertion. It includes the right of the husband to a share in the wife's lands, and the right of the wife to a share in the husband's lands, and is correspondent, therefore, as to the rights to the right of dower and of curtesy respectively in the English law; but is by no means correspondent as to the shares to those rights of the English law. This system of land in common does not exist according to the Prussian body of law, except by special law, and is usually based on a provincial law, or a family bye-law, in both cases arising from long established custom having acquired the force of law. Whether this system has its origin in the German principle of common property, or in the "condominium" of the civil law, is not relevant to the present inquiry. But it is relevant to record that the Prussian body of law gives the position of joint tenants during life to husband and wife, although it does not always carry out logically the principle of joint tenancy. Provided the family bye-laws do not recognize a joint tenancy after death of one of the parties in favour of the survivor on the one side, and the heirs together of the deceased on the other side, and provided such family laws do not recognize the right of the survivor to the whole as inherent in the joint tenancy, the Prussian body of law seems to lay down that the right of such a joint tenant ceases on the death of the other party, and that the survivor and heirs of the deceased become tenants in common until their respective severalties can be ascertained. The various reasons for compelling the ascertainment of their severalties by the children need not be enumerated. On the cessation of the tenancy by the decease of one party, the other becomes entitled to a half of the landed property, the remaining half forming the estate of the deceased. This does not exclude the survivor from being a co-heir to this other half. And if there be no relatives of the deceased within the sixth degree, then the survivor is sole heir to that half. According to some family bye-laws the joint property is liable for debts of the deceased, but the Prussian body of law, establishing a personal remedy for such debts, does not diminish the survivor's half share by payment of half of the deceased person's debts. The restrictions imposed by the occurrence on marriage of this property right upon dealings with land are evident.

Feudal estates.

115. In the third place, there are the restrictions on the right to dispose of land caused by the feudal law of descent. It will not be expected that this investigation should extend itself to an inquiry into the legal incidents of fiefs; especially as the learning on the subject is so intricate that very few jurists during the last fifty years in Prussia have been conspicuous for an acquaintance with them. Their legal incidents so far as they create restrictions in land are in the main similar to those of estates in *fidei commissa*. But the following outline of general feudal law in Germany will show how far land is affected restrictively by it. Feudal land descends from the first holder in the direct male line, excluding therefore ascendants and cognates. The order of succession may be special or legal. The legal order is by degrees; the special order may be by promogeniture, by the succession of the eldest of the same degree, or by the succession of the eldest member of

the family. The vassal can lease, and can improve his lands. In the latter case the allodial heirs can claim compensation from the feudal heirs. The vassal can exercise sub-infeudation. He can also alter the succession if he do not call in as heirs other than descendants of the first holder. He can restore the lands to the feudal lord, who will then have both the dominant and usufructuary property, He cannot alienate or mortgage the lands without consent of the lord, except in certain special cases provided specially by law, and without consent of the cognates. But such feudal lands can be sold by order of the Court to satisfy debts of the vassal incurred for the benefit of the fief. It will be observed that the usual inalienability and the usual descent of feudal lands constitute restrictions on the right to disposal of land. It must, however, be recorded that in Prussia as early as in 1717, the conversion of Crown fiefs into hereditary lands was commenced. There remained after the Peace of Vienna only a few Crown fiefs, and the private fiefs, and a few others. The Constitution declared, "the establishment of fiefs is prohibited," and existing fiefs are to be abolished. The Law of 1850 abolished the dominion and all the resulting rights of the feudal lord, except in the case of Crown fiefs, about a dozen in number. Even these have lost much of their feudal character. As regards private fiefs, the legal relations of the co-feoffees and of cognates constitute the chief distinctions between feudal estates and estates in *fidei commissa*.

Customs of the estate.

116. In the last place there are the restrictions caused by customs of the estate having the force of law. It has been recently ascertained that these customs are very numerous in the province of Saxony and elsewhere. So far as the existing legislation has not inferentially or expressly abolished them, they certainly have the force of law, and lands descend as freeholds, or rather as absolute properties, subject to the customs. The customs are not, however, either in Saxony or elsewhere of sufficient importance to need detailed reference in this investigation. It may, however, be recorded that one of them resembles very nearly the custom of Gavelkind. The custom of Borough English has also existed, and continues to exist. The restrictions imposed by these customs have a not inconsiderable influence upon the general freedom of disposal over land.

Mortmain.

117. The fact that land can in Prussia, as elsewhere, be placed in mortmain must not be overlooked. The churches and parsonages, the universities and public schools, the nation's schools, and the religious and charitable institutions, have their endowments in land which is withdrawn from the free exchange.

In a similarly restricted position are very frequently the lands belonging to corporations of towns and communes. Formerly, according to the Prussian Body of Law, the acquisition, alienation or mortgaging of land was forbidden to such corporations. But now corporations of towns can acquire land, and can, on receiving special permission, sell them at public auction. Corporations of communes can only acquire and sell land under certain conditions of previous sanction.

The Crown lands must also be mentioned as withdrawn from the free exchange. They also constitute an institution which limits the powers of disposal over land.

Failure of Law of 1836 on Peasant Succession.

118. This account would not be complete without noticing the attempt made in Westphalia by the Law of 1836 on peasant succession to maintain the position of the peasantry by a kind of obligatory succession of one heir similar to that of a *fidei commissum*, with portions for the other co-heirs of the deceased peasant. The attempt was, as might have been expected, a failure, and in 1848 the law was repealed. Since that time there has been in respect of peasant properties no exception to the abolition in 1807 and 1813 of all obligations to a certain kind of succession by reason of provincial or local custom.

119. It will be seen from the foregoing account that, in addition to the stringent limitations of the right to dispose of land imposed by the institution of *fidei commissa*, there are certain more or less stringent limitations imposed by several institutions under the express or tacit sanction of the law.

(γ.)—*The Influence of Indefeasible Heritages.*

120. The class of restrictions created by the State, through its law of indefeasible heritages,* next claims attention. The history of the doctrine, with all its complications and contradictions, need not here be touched, for the editors, of the Prussian Body of Law have generally forsaken the tortuous path in this instance of civil law, and walked in the easier path of their own construction. The common law requires that parents should leave their children a fixed quota of their property, and that children who die without descendants should likewise leave their parents a fixed quota of their property. The only exceptions to the rule are those in the law which provide for the reduction or withdrawal

Incidents of the law.

* *Vide* **Appendix of Definition of Terms.**

of that quota in certain cases. Apart from such exceptions, the beneficiaries must receive their shares in full. The mere fact of a will not recognizing such natural heirs does not now invalidate it, neither does it matter, if the will recognize them, out of what property or in what manner their shares are bequeathed. But if the will do not recognize them, then the testator's estate is considered to be intestate to the amount of the obligatory shares; or, in other words, the natural heirs are regarded as heirs *ab intestato* to that amount. It must also be noted that widowers and widows are invested with such obligatory heritages, but that brothers and sisters of the deceased are excluded. As to descendants, legitimized and adopted children are admitted. The shares of the children varied at different periods of civil law. Justinian introduced the principle of increasing the aggregate of obligatory heritages according to the number of children. He established two proportions for that aggregate: one-third, and one-half. The Prussian law adopts the principle, and increases the proportions to three. It fixes one-third for one or two children, one-half for three or four children, and two-thirds for more than four children. But these ratios are not calculated on the whole inheritance, they are calculated on the portions which each child would *ab intestato* have inherited. In each case the aggregate is equally divided. There are some disputed points in the application of the law, which need not be mentioned in this review of the subject. As to ascendants, the parents must be real and not adopted parents. Each ascendant in the direct line has an obligatory share. The ratio of the aggregate is, without regard to number, one-half of what would be inherited *ab intestato*. No share can be reduced, and each share must be quite free. As to widows and widowers, the survivor is entitled to the half of the legal intestate share. The state of law for each of these two classes—the ascendants, and the widows and widowers—is in a very unsatisfactory condition. The descendants are preferred to the ascendants, but the widow or widower has an obligatory heritage conjointly with descendants or ascendants. If previous gifts to natural heirs be set out in order to reduce their shares, such gifts must be bought into hotchpot.

Exceptions.

121. The foregoing incidents constitute the rule in the law of natural heirs; but there are exceptions, which provide for the reduction or withdrawal of obligatory shares. The testator is empowered, not bound, to use such exceptions; but if he do, the reasons of each reduction or withdrawal must be clearly stated in the will. As regards descendants, the Prussian Body of Law recognizes for withdrawal nine exceptions, which consist of various crimes, want of natural affection and a debased life; and, for reduction of shares to one-half exceptions arising out of unauthorized marriages. As regards ascendants, there are for withdrawal (no grounds for reduction exist) seven grounds, comprising various crimes and want of natural affection. As regards widows and widowers, the modern law is new law, and the grounds for withdrawal or reduction of shares are those for a divorce or separation. All these causes for withdrawal or reduction, in each class of cases, must be still working or recognizable in their effects at the time of the will coming into force.

A notable device.

122. A notable point in this system of law is the device by which a testator may persuade a natural heir to abandon his right to a share unburdened by limitation of any kind. He must resort to the so-called "Cautela Socinii," which consists in leaving to a natural heir a larger fortune with limitations at the will of the testator than the obligatory share, on the condition that he abandon that share. The Prussian Body of Law differs from the common law, for it declares the child to be bound by the direction of a parent, bequeathing to him his whole inheritable share of the fortune, to retain it for the grandson, *i.e.*, to place it in a *fidei commissum* for that purpose. This is a curious anomaly, no doubt arising from the influence of primogeniture upon even this law on behalf of children's rights.

Modified disinheritance.

123. The doctrine of the civil law of "*exheredatio bonâ mente*" is modified by the Prussian body of law into an allowable settlement of the obligatory share (with remainder to the children, or the brothers and sisters and their children) of a natural heir, if his share would be entirely or mainly swallowed up by his debts, if his life be that of a spendthrift, or, if he be a lunatic or idiot. It need not be added that these provisions of the law apply to deeds or contracts for the distribution of property as well as to wills.

Marriage compacts.

124. In concluding this brief review of Prussian law on this subject, it may be recorded that marriage compacts with similar incidents to those of such contracts in England are recognized by Prussian law, but are subject to revocation by mutual consent, and by birth of children as well as by the usual reasons of revocation.

Influence of indefeasible heritages.

125. It is obvious that the restrictions, imposed on the right of disposal of property by the law of indefeasible heritages, tend to break down the restrictions imposed on free trade in land by *fidei commissa*, and the like. They prevent the founding of *fidei commissa* and the bequeathal to one individual of estates, until the obligatory heritages are set

apart. They prevent also the adherence to customs of descent in cases where the property is not sufficient to satisfy the obligatory heritages; thus this institution causes alienation and division of land in cases, where without such a doctrine of law estates might pass undivided from the favoured individual of one generation to the favoured individual of each succeeding generation. But it must be recorded that the law of indefeasible inheritances belongs to the domain of private law. Its benefit must be claimed by the private persons interested.

(c.)—*The Laws of Intestate Succession.*

Right of succession *ab intestato.*

126. Whenever an occupant of property does not avail himself of the recognition by law of his freedom of disposal, then that freedom of disposal reverts to the State. By public law the State might exclude all relatives from possession of the property, and dispose of it in any other manner for the welfare of the nation. The state might also disregard the principles in its laws concerning an occupant's freedom of disposal. But the State usually follows in cases of intestacy and of the absence of any directions by the deceased occupant, the custom of the nation, as established by appointors and testators. The State has hitherto rarely laid down rules of intestate succession, differing from the rules adopted for appointed and devised property. The Prussian law of succession to intestate property is no exception to this remark.

Who admitted.

127. The rule of the Prussian law of intestate succession is that of the civil law, with alterations engrafted into it from German common law. That rule is the admission of certain persons in common to the inheritance. The rights to intestate inheritance may be cancelled for the same reasons originating in the civil law as those for cancelling rights to other inheritances. The perfect rights of inheritance reside in relationship by blood from a valid and perfect marriage. The imperfect rights of inheritance reside in the children of certain invalid marriages who are considered as legitimate, in the children of a morganatic marriage, who are considered as legitimate children of the mother, and sometimes as half brothers and sisters to the father's children of another marriage; and in legitimized children who are considered as legitimate children. The artificial right of inheritance is that of children adopted by either *modus*.

Order of succession.

128. The three orders of succession, lineal, next of kin and collateral, are recognized by the common law. But the Prussian Body of Law seems to follow no fixed principles. Its order of succession by relationship need not, however, be recorded here; nor need the rights of widower or widow be recorded as set forth either in special, provincial or national laws. It may, however, be noticed that the widow or widower inherits together with the other heirs. The former takes one-fourth part, if there are only two children with families, and takes a share equal to that of each child if there are more than three children with families. In the latter case, strictly equal division is the result, as it is whenever the children alone inherit. The share of the widow or widower increases as the relationship of the other heirs decreases. It should also be noticed that recognized illegitimate children are admitted to a sixth part of the inheritance in default of children of a morganatic marriage, who take after the parents of the deceased and after the widow or widower.

Shares of heirs.

The succession to fiefs and to property in *fidei commissa* is treated as intestate. As that kind of succession does not rest upon the total absence of private directions by the founder or owner, it is not mentioned here, but has been referred in the previous subdivision of the Report. There are also some other forms of succession which are not, however, of sufficient importance to find a place here.

No distinction between real and personal estate.

129. From the foregoing outline it will be seen that in Prussia canons of descent for land find no place in the laws of intestate succession. On the contrary, the principle of division is as fully applied to land as to other kinds of property.

(d.)—*The Law of Landlord and Tenant.*

130. The Prussian Law of contract is developed from German common law under the influence of the civil law and is not much less complicated than most other branches of Prussian Law. It is rendered still more difficult by the retention of real and personal rights. But, so far as it relates to demises, an attempt will be made to give an outline, however meagre, of it. The law differs, chiefly in its presumptions, according to the object demised, whether it be a house or it be land; only the law with respect to demising land is relevant to the present inquiry.

Distinction as to letting houses or lands.

131. There are two kinds of demise, that which grants the use and that which grants the usufruct. The latter can only occur in respect of a productive thing, such as land, but the former can occur in respect both of a productive thing, such as land, and of an unproductive thing, such as a house. If, therefore, a contract do not contain internal evidence of the kind of demise intended, the presumption in a demise of land is held to be that it is

of the latter kind. To this kind only need the present inquiry be directed, for it can seldom occur in agricultural demises that the use only and not the usufruct is granted.

132. A parol agreement is only an agreement for one year at the longest. The obligation as to the kind of written contract varies according to the amount of rent. A demise of land for more than a year, if the rent be even under 7*l.* 10*s.* per annum, must be in writing, but if the rent be 30*l.* or more per annum, and if a whole estate, and not merely isolated fields or a portion be demised, it must be executed before a competent tribunal or a public notary. But execution before the legal adviser is sufficient in cases in which credit associations and the like are parties.

Parol agreement

When contract must be written.

133. The lessor can demand that a contract of demise be registered in the Mortgage Register. As regards interpretation the presumption is against the lessor and in favour of the lessee. The rent may be in money or kind, and the rent in kind may be either fixed or proportionate. But if the rent in kind be the latter the shares of lessor and lessee are determined by the law of the contract of association. The lessor, apart from express covenants to the contrary, is responsible for all charges upon the demised land, and the lessee similarly has to pay the taxes. No lessee can sublet without special permission of the lessor, but if the demise comprise several distinct kinds of agricultural industry or several outlying fields the lessee can, without express permission, sublet such a distinct kind of industry or such outlying fields. As regards improvements, compensation can only be claimed for those which have been expressly sanctioned by the lessor, and the lessee can in no case compel the acquiescence of the lessor. But the lessee is entitled to compensation from the lessor for improvements ordered by the Executive of the Crown. Also if the rights of the lessor become extinguished and involve the determination of the lease, the lessee is entitled to full compensation for improvements and for the unlapsed portion of his lease. The compensation is found by distributing the costs of the improvements equally over the whole term of the lease, and by charging the quota of each unlapsed year. The costs of protecting a demised property from damage can be claimed from the lessor by the lessee. The rent is, apart from express covenant to the contrary, quarterly, and arrears of two quarters give the lessor the right to give notice to determine the lease. On the other hand, if the lessee is by circumstances beyond his control, and not merely by personal disability, prevented for three months or more from benefiting by his usufructuary right, he can claim a proportionate reduction of his rent. If he be thus prevented for a year or more from exercising his usufructuary right, no rent can be demanded for that time. For arrears of rent or other demands the lessor has the right of distress* upon the goods and chattels of the lessee found after determination of the lease upon the demised land. These rights extend to things of which the lessee had after alienation only retained the use during the period of the lease, to standing crops as well as crops gathered in, and to the live and dead stock. But these things must have belonged to the lessee. The right of distress attaches to all goods and chattels from the day of their arrival upon the demised property. On the other hand, the lessee can withhold rent to satisfy claims for compensation. Contracts of demise can be tacitly prolonged year by year, but in farms divided for rotation of crops such a tacit prolongation can only be determined at the end of a period of such rotation according to the local custom. In no case, however, can notice be given except six months before the end of the agricultural year.

As to form of rent.

Sub-letting.

Improvements.

Rights of tenants to compensation.

Right of distress.

Tacit prolongation.

134. A lessee is obliged to suffer determination of his lease at any time whenever a forced sale by law of the property takes place. But he can claim compensation from the estate of the lessor with the status of a preference creditor of the third class. The heirs of a lessor are only obliged to recognize leases for one full year or for the customary agricultural period. For abuse and misuse of his usufructuary right the lessee is subject to determination of his lease at any time. If the lessor be only a tenant for life or for a term of years, then his successors are not bound to recognize the leases beyond one year, as above. In such a case the lessee, if the fact of the smaller estate of the lessor had been concealed from him, can claim compensation. For breach of covenant a contract of demise can also be annulled.

Determination of lease.

135. The lessee must maintain the demised lands in good condition and the demised buildings in good repair. But repairs, which are not rendered necessary by the carelessness or want of foresight of himself or his agents or which require materials not to be found on the property, are to be made by the lessor. The lessee can agree with the labourers with regard to certain kinds of contract labour ("Scharwerkdienste")† to receive a fixed sum in lieu of the services, but he cannot increase or diminish their rights or lay upon them greater charges than they previously had. The lessee cannot sell straw and other materials used

Obligation to to repair.

Provisions for leases of farm and stock, &c.

* For a fuller account of the Prussian law of distress, consult Baron Thile's Note on the subject, dated April 28, 1869, and forwarded to Hypothec Committee of House of Lords.—*Vide* Parliamentary Papers, No. , pp.

† *Vide* Appendix of Definitions and Terms.

in manure, and cannot diminish the cattle received with the land. But the lessor must replace the cattle killed by plague or other unusual misfortunes. With regard to sheep the lessee bears the loss of the first and third quarters of the flock, the lessor bearing the loss of the second and fourth quarters. If the cost of replacing cattle be unavoidably more than the estimated price in the lease, the lessor is bound to pay the difference. As soon as the lessee fail to observe his agricultural covenants or obligations and as an expert shall pronounce that a deterioration of the soil has been caused, the contract of demise can by the help of a tribunal be set aside. A partial remission of rent for failure of a crop from external causes, such as frost, draught, hailstones, destruction by mice, locusts, flooding, and the like, can be claimed. If the demise had been accompanied by a valuation, the fundamental prices of that valuation must be used. A partial remission can likewise be claimed in cases of damages by fire and by water.

Breaches of covenant.

Remissions of rent.

136. Church lands can be demised, but only by acceptance of one of public offers. Glebe land can be demised as other land and with similar legal incidents.

Crown leases.

137. With regard to demised Crown lands, the Crown has a special preference right on the property of lessees. The lessees except by special covenant can claim no remission of rent for damages by fire. The widow of a lessee is obliged to appoint a *bailif* to cultivate the lands until the lease determine. The Crown leases are very strict repairing leases with minute directions as to annual renewal of perishable materials. The penalty of any breach of covenant is distraining by the executive of the Crown.

Eviction.

138. Eviction even in questions of deterioration requires judicial sanction. A claim for an eviction for deterioration of the soil has from the date of the notice in court a suspending effect; but other evictions for other reasons must be first decided in court, and then can be carried out with reservation of the rights of both parties, before an appeal is decided. The evicted lessee has the right to claim reinstation on various grounds.

The stamp for contracts of demise is $\frac{1}{3}$ per cent. of the value.

Valuation.

139. The valuation which often accompanies a contract of demise is exceedingly detailed, entering into qualities and productiveness of the soil. Such a valuation must be carefully drawn up, as a variation in the results from its estimate gives a claim for compensation or even annulment of the contract. It is always part of a demise of a farm with a land and all live and dead stock and implements,—a formerly not unusual form of agricultural lease.

It is usual to give security of from one to two years rent. The term of the lease is usually twelve, eighteeen, or twenty-four years.

General remarks.

140. It may be permitted to remark that the law favours stipulations for rent in kind, or at any rate partly in money and partly in kind, for it is considered more fair that the result should in part at any rate vary with the price of corn; that the tendency of the law is to protect the agricultural tenant during the period of his course of agriculture; that the law, however, gives the lessee no right to compensation for the unsanctioned improvements; and finally, that the process of eviction is rendered difficult of execution. Lastly, it may be noticed that although the law does not expressly forbid the letting of land on the condition that the tenant erect and repair buildings, yet, as it was rather the custom to let land not only with buildings but also with live and dead stock, the law recognizes the mutual obligations of lessor and lessee in respect both of repairing the buildings and of maintaining in number and condition the live and dead stock; but the law is entirely silent as to erection of buildings.

(*e.*)—*The Laws of Real Credit.*

141. Under this heading it is intended to draw the outlines of the system of law and the legislation which bear directly upon real credit or, in other words, the personal credit of the owner of real property. That credit takes the outward form of one of several varieties of mortgage, and is accompanied by such subsequent incidents as foreclosure and compulsory sale by auction, and by such antecedent incidents as the title to the property. That credit may call into existence for its facilitation a variety of credit institutions. The question of real credit has, therefore, two sides—the legislative side and the commercial side. It will be briefly examined from the latter side in the third part of this Report. But it is now purposed to examine it only from the legislative side. In general, the student of the foundations and principles of real credit has in most countries a difficult task. It is, however, sometimes lightened by the facilities of comprehensive treatises and of wide-reaching statistics, but it is in most cases burdened by the difficulty of collecting the necessary information and the impossibility of procuring any statistics. In Prussia, fortunately, there exist treatises which lighten one's task, but, unfortunately, there exist no sufficient corresponding statistics.

(*a.*)—*The Laws facilitating the Transfer of Land.*

142. These are laws which render possible the transfer of land, as well as those which facilitate the act of transfer. To the former belong the dismemberment legislation, and the laws granting absolute ownership to peasant proprietors, and also the legislation on rights of common, which have all been already treated at length. To the former belongs also the law of mortgage, which, with its accompanying system of compulsory sale, is sufficiently important to be treated of in the following sections. In the law of mortgage, as laid down in the new projects of law, the act of transfer will be much simplified, for in them the title to landed property is rendered very simple and practically indefeasible, and its proof is rendered as simple as possible. The cost of transfer and mortgage is diminished. Thus, with an improved title, with despatch in place of delay, with facilities in place of difficulty, and with a diminished cost, the facilities of transfer will be yet greater. By the present system the transfer of land is not so easy, and hence probably a portion of the disadvantage at which real credit is placed. The uncertainty of title also in many cases must tend to render more difficult the transfer of land, and thus cause the necessity of paying a higher interest to enable the lender to insure himself against the chances of a defective title.

(*β.*)—*The System of Mortgage.*

143. The law of real property in Prussia appears to be as difficult to understand as is the law of real property in England. But it is evidently a mixture of the civil law and the German common law. It is frequently in opposition to the civil law. For instance, the civil law required no public act in the transfer of property in land. Such a property was the subject of a simple contract when it became necessary to mortgage or otherwise deal with it. A mortgage, too, was merely accessory to the personal right of the mortgagee. The German common law had to recognize very different principles. In Germany (as also I believe in England) property in land could only be granted by actual delivery of the land. At a later period public registration was substituted. The same form ruled in respect of real rights and especially of mortgages, which were not considered as accessory to a personal right, but as constituting an independent real right. The difference between the Romans and the Germans in older days may account for this difference of law. In Rome land had no privileged position in the national property of a military race. In Germany, however, land held an important position in the national property of an agricultural race. It became of preponderating interest to families, and of the highest importance in respect of public rights. Not only the State but the local communities watched the changes in the possession of land with a jealous eye. Hence the German common law recognized publicity as an essential element in dealings with land. Then symbolical delivery succeeded to actual delivery, and the publicity before the State authorities succeeded to the publicity before the local authorities. That publicity then took the form of registration in public registers. Accordingly, the essential incident in transfer of property in land was not in its form as a contract of purchase, of exchange or of mortgage, but in its solemn record before the judge, whereby the interested parties declared in the most positive manner the transfer of property, and the judge recognized with public authority the new acquirer of the transferred property. Thus far the action of the common law. The civil law on its introduction into Germany influenced the development of the law of real property, and forced into the Prussian national system of law many a principle which conflicted with those of the common law. But the principle of publicity had taken too strong a hold of the national system to be uprooted. The civil law succeeded, however, in making the registration in the public registers merely a confirmatory act. Before the promulgation of the Prussian body of law the civil law, with exceptions from the common law, regulated the legal incidents of property in land. But the influence of the civil law became so great in regulating the legal incidents of property of all kinds in such a manner as to establish great freedom of exchange—such a freedom as was useful to the commercial towns—that apprehensions for the fate of landed property arose, and accordingly special legislation was directed towards counteracting that influence. Then, too, there was the feeling that the defective provisions of the civil law in regard of mortgaging lands might find baneful application. Added to these influences was the direct influence of the lectures in the Universities on German common law, which had been inaugurated as an indirect consequence of the attention directed to the principles of Colbert's wonderful administration of France. Then followed for many years isolated attempts of special legislation to establish a mortgage system, and to these finally succeeded the Prussian mortgage law of 1783. This law and the Prussian body of law, promulgated ten years later, adopt the current doctrine of acquirement of title to property without,

Development of law of mortgage.

Law of 1783.

however, the public record, which it changed into merely an obligation to register. The mortgage law is for the last century a pattern of legislation on real property, and Prussia has had the benefit of a better mortgage system for the last eighty years than many other countries. But the law on mortgage has been much complicated. As will have been seen, there was no leading uniform principle in the legislation of 1783 to 1793. The registered proprietor might not be the real owner of the land. The former would have the real rights which limit dealings with the property, but the latter would have no remedy against the former, for he was not the owner. Then the real but unregistered proprietor had no full rights of property. This result may not have occurred in the older days when property changed hands less frequently, but in modern days when the change of ownership is so rapid, the possibility of such an unnecessary collision in the proceedings is intolerable. In fact, the want of a uniform principle in the original law itself resulted in a confusion between registered property and property by contract; and the subsequent interpretations and alterations—especially the abolition of the compulsion to prove the title on registration—made a confusion worse confounded. And to add to the complicated and contradictory doctrine and the bad law of the title to property there came in the distinction between *mala fides* and *bona fides*. If it be borne in mind that these contradictions and this confusion affected not only the title to property but all real rights, some conception can be formed of the unsatisfactoriness of the law on mortgage which had followed, and partly resulted from, the pattern law of 1783. In 1853 the mortgage system was simplified, but the principles of 1783 were retained. There consequently remained for the bewilderment of laymen the set of maxims which lawyers had evolved out of these contradictory principles, and passed on as riddles to subsequent students. Only one way out of the great uncertainty, which often surrounded a title to landed property, was open to the acquirer of the property. He could publicly invite all or any claimants to contest his rights, and thus obtain the power of barring all claims for the future. But the remedy was costly, provocative of delay, and then not efficient; for the announcement of claims to his property could not fail often to render the acquirer's position yet more critical. It was a choice between the possibility of striking on Scylla or the probability of being sucked down into Charybdis.

Complication of law.

Attempted reform.

144. The confusion and contradictions of the law being noticed, it is, however, just to record that much praise is bestowed upon other parts of the existing mortgage system. A reform of it has nevertheless been so loudly called for that a notable attempt at reform was made in 1864. This failed, for it contained contradictory principles and satisfied no party. A more recent project of reform has, however, passed with a better result through the fire of controversy, and consequently bills for the reform of the mortgage system and for the establishment of land registers are now before the Chambers with every probability of becoming law without essential alteration. By them the title to land will apparently become a marvel of simplicity, and the system of mortgage will seemingly be much facilitated. A sketch of the existing mortgage system will serve as an introduction to a sketch of the forthcoming system.

Existing mortgage system.

145. The mortgage law orders the keeping of mortgage registers, and the entry therein of every landed property, with notices of all subsequent dealings with it. The entry should declare—(1) the actual owners of the property, the right to possession, and the value of the property; (2) the limitations of right to disposal, the permanent real obligations and charges; and (3) the partial or temporary real obligation or debts or charges. It must, however, be borne in mind that this entry was not an obligation of the public law, but a requirement of the private law. By the comprehensiveness of the entry, however, the mortgage register became also a register of inheritance and of rent-charges. This register was the outward manifestation of the principle of publicity. The Body of Law developed the principle of specificity and of priority. The Prussian law of mortgage recognizes, like the French law, the mortgage by contract, the mortgage at law, and the judicial mortgage. The entry of the mortgage at law is absolutely necessary to protect the rights of third persons, such as wives and minors. But the Prussian law unlike the French law, recognizes no silent mortgages which cannot exist where the principles of publicity and of specificity prevail. The law of May 24, 1853 contains the last amendments made in this system.

146. The following are the chief features of the system. No mortgage is legally valid until it is entered in the register. The mortgage must be upon a specific estate. The mortgagee must elect in cases of exchange of parcels of land, whether he will retain his right to the old parcels or pass it to the new parcels. The mortgages rank according to date of entry. The registers are kept by the departmental authorities for privileged estates, and by the town authorities for other estates. The mortgage Judge (the mortgage procedure is distinct) is responsible for the outward legality of the entry in all its details,

but not for the inner legal rights of the interested parties. As regards entry of title, if an estate is already entered, the new purchaser or acquirer needs only to be provided with previous entries in a kind of legal recital, which has been shortened by modern legislation. If an estate is not entered, then the title can arise from purchase at a compulsory sale at law, from barring of all claims by the exercise of the powers of challenging claimants, or from quiet possession for ten years after proof by certificated evidence before public authorities of a suitable title, or from quiet possession of owner and his predecessor for ten years under similar conditions of previous proof. A mortgagee can enforce his rights by foreclosure ("Immission"), sequestration, and compulsory sale at law ("Subhastation").

Defects of it.

147. The following are the chief defects in the Prussian mortgage system, at any rate for the changed condition of landed property and of agriculture. It prescribed no sufficient details of the area and other important matters, but required merely the general indications which distinguish the mortgage property from others. This suited the old system, but is useless for small properties. It did not place the essential condition of the mortgage in its entry. The land registers are very defective. The procedure is protracted and costly. It contradicted in some points its leading principles of publicity and speciticity. It has many defects of a more technical character. It created complication and delay where simplicity and dispatch are needed, and this tended to render unfavourable the competition of real credit with other kinds of credit.

The above brief summary has been kept as free as possible from the difficulties of the law, but the most careful tread may not have avoided all the pitfalls.

Special mortgage Low districts.

148. It must be noticed that this mortgage system does not obtain in New Pomerania and Rügen where the principles of German common law prevail, and where a system of great simplicity obtains. That system has, however, its defects, and a reform was laid before the provincial Diet last year, and has passed into law. Neither does the Prussian mortgage system obtain in the Rhine Province on the left banks, where the Napoleon code reigns supreme. No important change has been made in the French law of mortgage; but drafts of laws for improving and amending that mortgage system have from time to time appeared. These drafts have aimed mainly at the establishment of land registers, at the increase from ten to thirty years of the period for renewal, at the abolition of the silent mortgage, and at the restriction of the mortgage to the property held at the date of, and named in, the body of the mortgage. Parenthetically it may be recorded that a thorough reform of the mortgage system has in Prussia been opposed by many of the Roman jurists, and by the large landowners, as a class, though not by individuals, and has been unsupported by many persons from a want of acquaintance with the principles of political economy, which in preference to long descended principles of ancient law, must eventually be decisive of the laws of the future.

Proposed mortg system.

149. Of the two new Bills, one establishes the land registers ("Grundbücher"), and the other lays down the law of title and mortgage. These Bills are drawn on the assumption that a uniform law of title and mortgage will be desirable for the German Confederation, and in the hope that the Prussian Bills will ultimately be Federal Bills. They have the great positive merit of revising the principles of the law, and the negative merits of following neither the civil law nor the German common law, and of not attempting to amend existing laws, an amendment which is usually a makeshift and no reality. They consequently deviate essentially from many an important part of existing law. The leading principle of the Bill on title and mortgage is, that entry in the land register is the only proof of title. Consequently, the first section on title declares that entry in the land register alone gives the title on a voluntary alienation, and that this entry takes place on the demand of the acquirer and with consent of the registered owner, and the renunciation thereby acquires perfect legal validity. If, however, the title of the registered owner be assailed and destroyed, the rights of third persons, who have acquired these rights in the meantime in reliance upon the accuracy of the land register, remain unimpaired, unless protested against at the beginning by the assailer of the title. No restrictions affecting the registered owner can affect third persons, unless these restrictions are entered in the land register. If the registered owner sell the property to several persons one after the other, he only is the new owner who is entered in the land register, even if he have acknowledged the prior right of another, or if the latter have received the estate from the seller. This clause cuts away all the perplexities and confusion of the doctrine of *mala fides* and *bona fides*. Can title to land be rendered much more simple? The second section, treating of the founding of real rights on landed estates, declares that entry in the land register can alone found them, except in some obvious cases which require no entry. The third section lays down the right of mortgages as arising solely from entry in the land register, which takes place on the demand of the registered owner or the mortgagee or of a legally appointed authority. The entry must contain the name

of the mortgagee, a distinct description of the estate mortgaged, a fixed amount of loan in legal currency, the rate of interest, the date from which interest runs, and the covenant as to arrears. No reservation of the title to the owner can take place unless the mortgage contain a fixed sum of money. The owner can register a mortgage in his own name, and he thereby acquires the right to dispose as he will of it, and to be a mortgagee against third persons. The right of the mortgagee attaches to the entire property, with buildings whether erected later or not, with all natural accretions, with standing and hanging crops, with rent and other incomings, and with any inscribed movable property. The priority of mortgages is solely decided by the date of registration. Limitations affecting the right of the mortgagor have no effect upon the right of mortgagees, unless they had been registered. A mortgagee, who is likewise a personal creditor, can select the personal remedy, or the remedy of a mortgagee. When the owner is both, he can use both remedies. The mortgagee can resort to sequestration and to compulsory sale at law of the mortgaged property or mortgaged part of the property. The owner can bid at the public sale on paying down the amount of his bid in cash each time. If he remain the highest bidder he receives the property free from mortgages, even if his bid do not reach their amount. The purchaser at a compulsory sale at law acquires the property, not only free from mortgages but free from all other charges or incumbrances whatever, with a few formal exceptions of a private source. The transfer of a mortgage need not be registered except on demand of the mortgagee, or of a duly appointed authority. The owner of the property can transfer the mortgage in his name without naming the acquirer. (Transfer *in blanco, i.e.*, blank transfer.)* Each acquirer has the right to insert his name, if he choose. In default of any other arrangement the costs are paid by the mortgagor. The mortgage is annulled only by cancelling it in the land register on the demand of the landowner or of a duly constituted authority. The clauses which are not hereinbefore epitomized are mainly of a formal nature.

150. It is obvious what a gulf yawns between this new mortgage and the old mortgage system. It is also evident how much this new law will facilitate mortgage operations, and thereby remove obstacles to the development of real credit. The language of the original is so clear and precise and compact that the summary is scarcely shorter than the original. There seem to be some apprehensions of the effect of mortgages to bearer, for the concession in this direction is limited to the landowner's own mortgages, and to such mortgages *in blanco*.

151. The other Bill treats of the land-registers in respect of their outward forms, of the offices of registry, of the procedure and of the documents. The procedure is simple. sts. So-called mortgage certificates ("Hypothekenbriefe") will be issued. The costs are fixed at a low rate; they seem to be about $1\frac{1}{3}$ per cent. up to 30*l.*, $\frac{1}{3}$ per cent. from 30*l.* to 150*l.*, and $\frac{1}{10}$ per cent. above 150*l.* All the necessary forms are appended to the Bill.

(γ.)—*The System of Compulsory Sale at Law.*

form of compul- y sale at law. 152. By the system of compulsory sale at law is meant the legal system by which a mortgagee can compel a public sale of the mortgaged property to recover his loan, or by which, for instance, a co-heir can compel such a sale of the co-inherited property. It is applicable to real property and to the pledging of ships by bottomry. This system was reformed in the last session of the Prussian Parliament. This reform is certainly advantageous to real credit; the procedure is shortened, simplified and cheapened. A main cause of this result is placing all such affairs under the directions of a distinct and independent judge, whose powers are carefully defined. Creditors are protected against fictitious bids, &c. The recourse to compulsory sale is less obstructed and the process is less assailable than under the old system. Contradictions and confusions are removed by the application of simple principles of equity apart from traditional learning, and delays are lessened by various provisions promoting a due despatch of business.

It is unnecessary to sketch the old system, but it may be noticed that the objectionable feature of a valuation of the property by the court, and of the withdrawal of the property unless the highest bid should reach the amount of the valuation, has disappeared.

sts. 153. The costs of the new system are on the highest bid, 2 per cent. up to 75*l.*, and $\frac{5}{6}$ per cent. from 75*l.* to 300*l.*, $\frac{1}{3}$ per cent. from 300*l.* to 3,000*l.*, and $\frac{1}{6}$ per cent. above 3,000*l.* The stamp duty is 1 per cent.

(δ.)—*The Real Credit Institutions.*

154. These are of many kinds, but in the first rank are the mortgage debenture associations. The real credit institutions comprise also the provincial loan funds

* These approach very nearly to debentures to bearer.

("Hülfskassen"), the savings' banks, and many other banks and institutions which promote, more or less directly, the activity of the landowner and agriculturalist, by offering facilities of money capital. Of the provincial loan funds I unfortunately possess no information at present beyond the reference in the ζ section of the α subdivision of this part of the report to the grant of subsidies from the State to certain provinces, which seem to have constituted the commencement of such institutions. The rent-charge banks are included in this section because they practically contributed to the maintenance of real credit, as also to the facilitation of the transition from the old to the new agricultural organization. The savings' banks are also included because they appear to lend their money mainly upon mortgage. The materials at hand, with respect to these and other real credit institutions will be found condensed in the following paragraphs.

(1.)—*The System of Mortgage Debentures.*

155. This is peculiarly a Prussian system, and these associations for their issue have many of them existed for nearly a century. That system, like many another advantageous institution or law, arose in the reign of the penetrating Frederic the Great. In 1769 the Silesian Association was founded; its leading idea was "that the landowners belonging to the associated district should form an association by which they made themselves mutually responsible to provide for every landowner money to half the taxed value of his property, and to pay every creditor who had a mortgage debenture not only the half yearly interest, but also the capital upon six months' notice." The advantages of this system of self-help are obvious. The favourable results of this institution soon became known and the associations of Pomerania, of Kurmark and Neumark, of West Prussia and of East Prussia, were founded in 1781, 1782, 1787, and 1808, respectively. All these institutions had for their object to make advances to the nobles and large landowners for the promotion of agriculture. The first exception in favour of other properties was in the East Prussian Association. The principles common to all were, that every owner of a privileged estate could claim a loan, and that such a loan should be granted in debentures to bearer to half (in East Prussia to two-thirds) of the taxed value of the property. The debentures were usually in two categories, at 4 per cent. and $3\frac{1}{2}$ per cent. The mortgagor had to sell them in order to get his loan in cash. The debentures contained a description of the estate upon them, and they were guaranteed by the whole association. The mortgagor paid the interest to the association who paid it to the creditor. The association could not give notice either to the creditor or the debtor; but the former could give notice to call in the money. The compulsory sinking fund did not at first exist in all, but is a most advantageous principle of most of these associations. It has doubtless been productive of immense benefit. In the Posen Association it took the form of 5 per cent. charged to the debtor, and 4 per cent. paid to the creditor, the 1 per cent. being devoted to a sinking fund with a period of 41 years. The plan was similar in the other institutions, but the sinking fund varied in form. The method of valuation varied much also. In later times peasant properties have either been admitted to the associations, or special associations have been formed for them. In addition to the above mentioned associations a Royal Credit Institution was founded in Silesia in 1835, a new association for Posen in 1857, a new West Prussian Association in 1861, and an association for Saxony in 1864. Some of the modern associations accept properties of a very low value, such as those bringing in a net income of 7*l.* 10*s.* a-year. In the modern ones there has also been a different apportionment of the interest paid by the creditor, for a fixed per-centage, usually $\frac{1}{2}$ per cent., has been retained for expenses of management.

Rise of system.

Principles.

The differences between this system as established by the direct and indirect action of the Prussian law and the Mortgage Debenture Act of 1865 of English law, need not be pointed out here.

(2.)—*The Rent-Charge Banks.*

156. The faculty of commuting rent-charges and services by money instead of land payment, which was offered by the first national National Agriculture Laws, was of comparatively little use. It became obvious that the object of commutation could not be attained unless the legislation provided means for furnishing with the necessary sums of money those of the peasants who had no capital with which to obtain the commutation. Hence rent-charge banks were established in 1850, Saxony having led the way in 1832. The object of these banks is to pay for the peasant the commutation capital, receiving from him in return an annual sum which shall pay interest and shall gradually pay off the

Object of banks.

capital advanced. The peasant debtor is allowed to pay in during the sinking fund period any sums, however small, to accelerate the extinction of his rent-charge.

ciples of organization.

The basis of this legislation is the law of March 2, 1850, for the establishment of rent-charge banks. It commences by directing the establishment of a rent-charge bank for each Province, and by stating the mode of attaining the object in view. It was decided after deliberation, that provincial banks were preferable to a central bank. The law grants the State guarantee to the fulfilment of all the obligations undertaken by the bank. This guarantee involves no pecuniary sacrifice but strengthens the credit of the banks. The banks are under the supervision of the Minister of Finance and the Minister of Agriculture, and are co-ordinate with the Special Procedure Authorities, and are carried on by a director and the necessary staff under the control of the Provincial authorities. In all cases of commutation by means of the bank the commutation debtor needs only to pay nine-tenths of it to the bank, for one-tenth can from the first day be written off. But he can elect to pay the full amount, and thus shorten the period of repayment. In cases of arrears he has to pay a special yearly sum equal to one-twentieth of these arrears to liquidate them.

The rent-charges are preference claims upon the land. This claim is not, however, to interfere with subdivision of the land, as it is to be distributed according to the rule for taxes. The rent-charges can be paid in monthly instalments with the taxes. It is the custom in Prussia to collect taxes in monthly instalments. The periods of repayment are 673 months when the tenth of the total commutation capital is written off; and 493 months when the total commutation capital is to be repaid. Payments of capital may be made at any time in acceleration of the extinction of the charge, and for this purpose tables are annexed to the law. It was not deemed necessary to fix a minimum sum below which no such payments would be received, as no use had been made of the faculty to pay in such low minimum sums as 6*d.* in the Eichsfeld Sinking Fund Associations, and as 1*s.* in the Land-rent Charge Bank of Saxony.

The receiver of commutation obtains from the Bank a capital sum of twenty years' purchase of the rent-charge. This is paid in rent-charge debentures of a fixed amount, and the fractions beyond such an amount are paid in cash. There are debentures of 1,000, 500, 100, 25, and 10 dollars, bearing interest at 4 per cent. in half-yearly payments. Coupons for eight years are attached, and these are renewed as may be necessary. These coupons are payable in cash and are legal tender in all Government offices. The payment of coupons is barred in favour of the bank by the lapse of four years. The difference between the 4 per cent. interest on the debenture and the $4\frac{1}{2}$ or 5 per cent reserved as rent-charge, is to be applied to the extinction of the debentures. Every half-year after the first year so many debentures must be paid off in full by drawings as shall amount to the sum of the cash receipts from the above difference, and the commutation capital paid in during the half-year. After ten years the payment of drawn debentures is barred in favour of the bank.

The law contains some special directions respecting the rights of third persons. A reserve fund is formed by interest on cash balances and by the barring of coupons or debentures. This reserve fund is to be applied to replacing loans of the general fund, and whenever it does not suffice the State pays the difference. The State undertakes the cost of management. A period can be fixed after which the banks shall undertake no more commutations. The law of April 26, 1858, directs the manner in which this shall be done, and the notice of January 31, 1839, of the Ministries of Finance and Agriculture, fixed the 31st of December, 1859, as the last day for effecting commutation through the banks.

The law concludes with some special stipulations respecting the Sinking Fund Associations which existed in the Kingdom and assimilates them to the rent-charge banks, and with some clauses respecting any commutations undertaken by the State.

(3.)—*The other Banks and Institutions.*

157. The law of the land has only an indirect influence in bringing such institutions into activity, but, as the freedom of association allowed by the law conduces to their establishment, and as they are founded for the purpose of assisting real credit, they require a short notice. Of these there are about nine, of which it will be desirable to give the results in the corresponding sub-division of the next division of the Report. They are founded as joint-stock associations, and are destined to business solely or mainly in mortgages. As yet they do very little for real credit. The Prussian association for the insurance of mortgages deserves special mention. It tests the security for the mortgage, and then insures the mortgage against loss by undertaking all risks on payment of a fixed premium. But it is to be presumed that no holders of good mortgages would try to insure.

(*f.*)—*Supplementary Sub-division.*

158. In order to render more perfect the foregoing outlines of the legislation affecting land, it would be necessary to inquire into the taxation affecting land and into the laws affecting the agricultural labourer as a labourer, as well as into some other subjects more indirectly affecting the land question in every country. But the scope of this part of the Report cannot be extended to such matters, neither would the time allow of even a cursory inquiry into their legal incidents. It will suffice to record, that the taxation affecting land is stated to be unduly heavy, and that, although the legislation cannot be examined here, the incidence of the taxation will be referred to in the subsequent part of this Report; and to record that the position of the labourer is better than it was, and that, although the laws affecting him cannot be here noticed, his position in the agricultural economy will likewise receive subsequent attention.

(C.)—The Results of the Legislation affecting Land.

159. When the question of what are the laws has been answered, the still more important question of what are the facts presents itself. It is true that laws and facts react upon each other, but no law can be without its consequent facts. Therefore the laws being ascertained, what are the results produced by them? In a word, what has been the effect of each force set in motion, and what has been the effect of the resultant of all the forces in motion? Both parts of the question are important; and the latter is quite as important as the former. For, in estimating the effects of a given legislation, it is of great importance to obtain the best possible idea of the aggregate effect of the direct action of each part of that legislation, and of the indirect action of each part of other legislation. It is consequently of equal importance to try to ascertain what has been the separate effect (however restricted it may have been by the influence of other forces) of the action of each part of a given legislation. Accordingly it is purposed now to try to ascertain, however imperfectly, the direct results of each part of the legislation affecting land, which has been treated of in the previous division of this Report. But any such results which would more naturally be arranged in the following parts of this Report will be left for subsequent appreciation. What are the facts

These direct results are to be ascertained from statistics and general observations. No doubt statistics are but dry bones, and require not only to be fitted into a harmonious frame but also to have the breath of life breathed into them. Still the skeleton must be known, before the anatomy of the entity can be understood.

Unfortunately, statistics as to the result of this legislation affecting land are not in Prussia as complete as they might be. Yet they, no doubt, exceed in completeness those of other nations on similar subjects. In regard to some parts of the legislation they are more or less perfect, but in regard to other parts they are lamentably deficient.

(*a.*)—*The Results of the Laws of National Agriculture.*

160. In regard to the results of the laws of national agriculture the statistics are not as complete as they could be made, or as it is desirable that they should be made. It is intended, with respect to these results to follow in the main the delineation of them in Dr. Meitzen's official publication. He considers it impossible to give a clear picture of these results, but avails himself of the statistics furnished chiefly from the protocols of the General Commissions. Whether, however, in any given district there has been a complete removal of all hindrances to agriculture arising out of the former system or only a partial removal is not at present known by the statistics and the official information.

It will be desirable to arrange these results according to the arrangement of the laws themselves into sections in the previous part of this Report, and accordingly to separate this subdivision into five sections.

(*a.*)—*The Results of the Abolition of Real Charges and Services.*

161. It will have been inferred from this sketch of the laws that they divide themselves into the laws from 1809 to 1848, and into the laws from 1848 to the present day, inasmuch as 1848 is the date of an essential change in the practical application of the principles of this legislation. It will therefore be necessary to consider the results obtained from 1809 to 1848, and the results obtained since 1848. The former, again, divides into two parts at 1820, when some important alterations were made.

As regards the results in these periods the following Table contains the chief points

of interest. The Table does not include the affairs settled by the Crown direct in respect of Crown peasants or of the forest services. It will be observed that the Table is commenced by giving the aggregate area, and a special area of the provinces for purposes of comparison with the area of land affected by the legislation. It is naturally impossible to ascertain what was the aggregate average of all peasant lands in 1807. This can only be estimated on very insufficient bases of computation. It is assumed that the peasant lands consisted in the main of tillage, meadows, orchards, and kitchen gardens, and the special area is the aggregate of these kinds of cultivated land together with the building sites and house gardens. Of this special area the peasants were probably in possession of about a fifth. This estimate will be subsequently referred to, but the special area is now inserted in the Table in order that some idea may be formed of the relative quantity of more or less cultivated land which was regulated under this legislation by the direct intervention of the Special Procedure Authorities, and without private arrangement either between individuals or between the Crown peasants and the Crown authorities.

TABLE showing the Results of the Legislation for the Regulation of Property Relations, and for the Abolition of Real Charges and Services, as obtained by the Direct Intervention of the State Authorities.

	Unity.*	Period 1807 to 1820.					Period 1820 to 1848.					Period 1848 to 1865.					1807–65.
		The Western Provinces.	Saxony.	Silesia.	The other four Provinces.	Total.	The Western Provinces.	Saxony.	Silesia.	The other four Provinces.	Total.	The Western Provinces.	Saxony.	Silesia.	The other four Provinces.	Total.	Grand Total.
Area of Provinces—																	
Aggregate	Acres	12,268,624	6,587,339	10,520,941	48,076,725	71,523,629	12,268,624	6,587,339	10,520,941	48,076,723	71,523,629	12,268,624	6,587,339	10,520,941	48,076,725	71,523,629	71,523,629
Special	Acres	6,600,348	4,642,244	6,844,610	26,667,707	44,754,909	6,600,348	4,642,244	6,844,610	26,667,707	44,754,909	6,600,348	4,642,244	6,844,610	26,667,707	44,754,909	44,754,909
Regulation of Property Relations—																	
Owners	Number	...	...	2,224	16,032	18,256	...	3	3,336	48,987	52,326	...	...	7,845	4,861	12,706	83,288
Area of Land	Acres	...	...	59,682	978,576	1,038,258	...	148	77,316	2,323,596	2,400,960	...	...	66,725	168,145	234,870	3,674,088
Average size	Acres	...	...	26	61	55	...	...	23	48	46	...	...	9	35	19	44
Owners annually†	Number	...	...	247	1,781	2,028	...	...	119	1,749	1,865	...	...	523	324	847	1,602
Area annually†	Acres	...	...	6,631	108,731	115,362	...	...	2,757	82,986	85,749	...	...	4,449	11,209	15,658	70,656
Abolition of Charges and Services—																	
Persons in respect of every kind who have commuted	Number	...	...	...	...	...	25,115	93,185	95,014	101,452	289,651	124,953	240,791	375,030	249,884	990,658	1,280,309
Team service	Days	...	...	Unknown‡	Unknown‡	Unknown‡	33,456§	195,086	1,416,120	4,324,633	5,969,295	88,662	15,249	181,654	139,709	375,274	6,344,569
Hand service	Days	...	...	Unknown‡	Unknown‡	Unknown‡	59,582§	252,820	7,547,481	9,009,941	16,869,824	83,334	117,433	5,350,566	619,174	6,670,507	23,540,331
Compensation Granted—																	
Capital	£ sterling	...	...	...	...	...	347,382	889,811	628,882	915,640	2,781,715	1,066,742	636,935	308,819	551,167	2,563,653	5,345,368
Money rent-charge	£ sterling	...	...	...	...	...	11,185	20,168	50,830	157,876	239,999	31,871	75,054	190,862	286,821	583,508	823,507
Rye rent-charge	Bushels	...	...	...	...	...	4,087	35,517	77,917	256,633	374,154	2,541	31,495	2,334	63,957	99,227	473,381
Land	Acres	...	...	...	...	...	282	9,331	78,905	933,506	1,022,024	874	2,231	20,138	52,157	75,390	1,097,414

* The morgen, thaler, and scheffel of the Prussian Statistics, are converted into acre, £ sterling, and bushel respectively, in the following proportions: 2 acres equal to 3 morgens; £1 equal to 6⅔ thalers; and 3 bushels equal to 2 scheffel.
‡ The divisors are 9, 28, and 15 years respectively, as being the number of working years in each period.
‡ The exact figures in days are unknown, but the services of each kind abolished were about 1,500,000.
§ Of these only 56 and 59 respectively belong to the Rhine Province, and of those in the next period not one day belonged to the Rhine Province.

Statistics of Regulation.

162. The blank spaces of the preceding Table are as instructive as the occupied spaces. There was no regulation of property relations required in the western provinces, and only three peasant properties were found in Saxony to require regulation. But the introduction of French Law had not been followed by a similar disappearance of real charges and services. It had, however, resulted in almost entirely freeing the Rhine Provinces from them, and in materially diminishing their number in Westphalia and Saxony. In the provinces in which this official regulation was needed, it embraced a ninth of their special area and a sixteenth of their total area. It is interesting to note the average sizes of the properties dealt with in each period. They decreased in size each period. This was in the main owing to the early influence in the first period of the Declaration of 1816, and to the later influence of the gradual relaxation of the restrictions of that Declaration and of its final abolition by the legislation of 1850. In Silesia the decrease in size is remarkable, for before 1850 the greater number of the peasant properties had been excluded from regulation; and it is surely not unwarrantable to infer that the effect of the Declaration was to cause many of the smaller peasant properties to disappear, although, on the other hand, a large number survived to benefit by the legislation of 1850. Another phenomenon was caused in "the other four provinces," especially Prussia, by the Declaration. In them it excluded, by its condition as to payment of land-tax, many a team-requiring farm from regulation till after 1850. Hence the fact that the average size is not so much diminished as in Silesia. These remarks apply, *mutatis mutandis*, to the annual amount of regulation both as to number of owners and to the area of their land.

Of real charges and services.

163. As to real charges and services abolished it will be observed that about one-half of the days of team and hand services were abolished in Silesia alone, scarcely a fortieth in the Western Provinces and Saxony, and the remainder in "the other four provinces." As to compensation granted it may be inferred that the peasants of Saxony and the West Provinces were the best able to pay commutation capital in money, that the peasants of Silesia followed in pecuniary ability, and that "the other four provinces" were far poorer and less able. The commutation was paid in land to only a very small extent in the West Provinces, to a small extent in Saxony, to a greater extent in Silesia, but to a much greater extent in the other four provinces.

Peasant land affected.

164. It may be of some little interest to obtain an idea, however imperfect, of the quantity of peasant land affected altogether by the regulation of property relations. For this purpose it can be assumed that the peasant lands requiring regulation bore to other lands in the "special area" the ratio of one to five, and of those requiring regulation in Silesia of one to ten. On this assumption the following computation can be made:—

	Special Area.	Peasant Land.	Officially Regulated.
	Acres.	Acres.	Acres.
Silesia	6,844,610	684,461	203,623
The other four Provinces	26,667,707	5,333,542	3,467,317

It must, however, be borne in mind that this Table is only a very rough estimate. In Silesia, too, there is little doubt that of the properties requiring regulation many were destroyed before the legislation could help them, and hence that the whole of the balance does not belong to the category of private regulation.

Work nearly ended.

165. The following Table will show how very nearly the task of Prussia in this part of the Agricultural Legislation has been accomplished.

TABLE of Property Regulation and Abolition of Rent-Charges and Services in 1866-68.

	Regulation.		Abolition of Charges, &c.			Compensation granted.			
	No. of Owners.	Area of Land.	Persons who have Commuted.	Team Service.	Hand Service.	Capital.	Money Rent Charge.	Rye Rent Charge.	Land.
	No.	Acres.	No.	Days.	Days.	£	£	Bushels.	Acres.
1866 ..	12	113	44,186	610	6,597	63,059	8,085	8,103	1,012
1867 ..	135	685	66,184	1,015	11,485	56,328	10,264	7,363	415
1868 ..	55	456	43,371	354	3,798	54,842	5,602	7,815	338
Total ..	202	1,254	173,741	1,979	21,880	174,229	23,951	23,281	1,765

This Table does not include the affairs settled by the State direct, but only those settled before the Special Procedure authorities. Neither does it include the affairs which have been settled in the new provinces in which the Prussian Agricultural Legislation has been able to find work to do.

Regulations by Province.

166. If, in respect of regulation of property, the province be regarded by number of

regulated owners and quantity of regulated land, Posen is first with a fourth of the whole, Silesia comes next, and Pomerania follows. If, in respect of abolition of real charges and services the provinces be regarded, then Silesia and Saxony take the first place; and it is curious to remark that the provincial district of Coblentz was burdened with a relatively considerable number. No comparison can be made as to the number of persons thus freed, for in many provinces the same persons appear twice or more on account of various successive abolitions of the charges affecting them. In regard to team and hand services, the figures are more trustworthy, and Silesia and Posen take the first place. With respect to these services, Dr. Meitzen remarks that if a depreciation of a fourth be allowed for the bad labour and the waste of time in a day of forced labour, the natural gain in labour is $1\frac{1}{3}$ millions of days of hand labour, and $5\frac{1}{3}$ millions of days of team labour; and he estimates the gain at a minimum of 750,000*l.* a-year. He computes the aggregate commutation capital of the regulations of property relations and of the abolition of real charges and services at 213,861,035 dollars, or about 28,514,805*l.* sterling.

The figures given in the preceding outline of the work accomplished by this part of the legislation indicate strikingly the direct results of that legislation.

167. It may be noticed before passing to the next section, that the ecclesiastical charges (tithes, &c.) are as yet uncommutable. In Silesia alone are they commutable. The legislation on the subject in that province is interesting; especially on account of the increased difficulty of the question from the mingling of religions.

(β.)—*The Results of the Commutation of Rights of Common.*

168. Of these, the official figures are so complete as to bear striking testimony to the direct results as well as to the necessity of this branch of the legislation. The following Table resumes the chief points of interest:—

	To end of 1848.		From 1848 to 1865.		1866 to 1868.		Total.	
	Owners.	Area.	Owners.	Area.	Owners.	Area.	Owners.	Area.
	No.	Acres.	No.	Acres.	No.	Acres.	No.	Acres.
The Rhine Province ..	5,297	72,396	17,955	32,183	1,601	26,864	24,853	131,443
Westphalia	85,404	907,687	66,203	808,619	5,369	78,417	156,976	1,794,723
Saxony	362,990	3,503,738	226,164	2,177,968	23,582	188,316	612,736	5,870,022
Silesia	110,390	3,552,857	98,307	1,301,696	32,074	451,306	240,771	5,305,859
Posen	64,368	4,599,495	33,903	2,102,059	3,347	263,712	101,618	6,965,266
Brandenburg . ..	187,714	5,051,977	61,617	1,483,023	7,734	135,203	257,065	6,670,203
Pomerania	40,470	3,579,122	49,739	1,185,732	4,535	210,011	94,744	4,974,865
East and West Prussia .	129,003	7,219,777	60,841	2,320,083	4,415	198,615	194,259	9,738,475
Total	985,636	26,487,049	614,729	11,411,363	82,657	1,552,444	1,683,022	41,450,856

If the number of possessors of this Table be compared with the number of proprietors and others engaged in agriculture, it will be seen that the influence of this branch of the legislation has made itself felt in nearly every agricultural homestead. I am informed that a twentieth more work has still to be done, so that the total number of acres affected by rights of common reached to the large quantity of 43,488,960 acres—more than half the aggregate area of the kingdom, of which 41,418,060 acres have already been freed. It will be remembered that the rights of common included a large number of extremely prejudicial rights. And in most cases, whether or not the right was prejudicial, the exercise of it involved much agricultural loss in numerous ways. It is, however, impossible to estimate even approximatively the gain to the nation from this extinction of rights of common.

Great extent of rights of common.

169. There appear to be no general statistics on the subject of consolidation, but it is hoped that some information on this point will be gathered for the last part of this Report. Dr. Meitzen has, however, given the details of a calculation of the advantages resulting to the districts of Grossengottern and of Alterngottern. This calculation shows an annual economy or extra profit of about 6*s.* 9*d.* per acre upon an outlay or cost of 15*s.* 9*d.* per acre. This cost was unusually high in consequence of the necessity of considerable drainage works; but even upon it the returns are 42 per cent. The compulsory consolidation has been beneficial not only in Saxony but in Pomerania, Posen, and especially Prussia. But whenever this compulsory consolidation is separated from the separation of commons and extended to the whole kingdom, there will, it is said, be much work for it it to accomplish. I am informed that in Silesia alone there are 2,000,000 acres of separated and intersected lands.

Advantages of consolidation.

170. To conclude in the words of Dr. Meitzen, the consolidation of lands has in the northern provinces been long hailed as a large and beneficial improvement, and the

Memorandum of November 1859, which was composed in the Agricultural Ministry on the State measures taken for the advancement of National Agriculture in Prussia, could with reason say, "The expected effects of the agricultural laws have not failed to follow; instead of stagnation there is a gladdening stir amongst the agricultural population; the accomplishment of separation of commons has enabled large and small landowners to bring their lands by manifold improvements into a higher state of cultivation, and to increase by an advantageous expenditure, their returns."

(γ.)—*The Results of the Dismemberment Legislation.*

171. The State endeavoured in 1838 and in 1852 to obtain such statistics as should show the results of the dismemberment legislation, but the returns were too defective to give an accurate idea of them. It may, however, be noticed that on a comparison of 1851 with 1837 the team using properties (not privileged) seemed to have increased in numbers by 4,214, but decreased in quantity. A more thorough inquiry was advocated in 1859 and was eventually carried out. In order to draw a line between the quite small holdings and the farming holdings the test of using a team was applied. This definition was, however, not very decisive, for the question arose as to what constituted a farm requiring the use of a team. Then too, the quantity of land in a team-using farm varied much in every province. For instance in the Province of Prussia a holding of twenty acres was considered team-requiring, yet in Posen and elsewhere a holding of ten acres was so considered. By team-requiring is usually meant a farm requiring at the least two horses or three oxen, but the term is rather elastic. Farms using one horse or two cows seem to be excluded.

Line drawn between large and small peasant properties.

172. The general movement of the peasant farm lands from 1816 to 1859 was for the six eastern provinces (exclusive of the Provincial District of Stralsund) and for Westphalia, as follows:—

	Of the Team-requiring Peasant Farms.										Small Holdings.	
	In 1816.		In 1859.		Movement.				Average Area.		In 1859.	
	No.	Area.	No.	Area.	Number decreased.		Area.		1816.	1859.	No.	Area.
		Acres.		Acres.	No.	Per cent.	Acres.	Per cent.	Acres.	Acres.		Acres.
Prussia	84,517	6,784,282	82,837	6,736,581	1,680	1·98	− 47,701	0·70	80	81	74,628	335,549
Pomerania	21,371	1,997,847	19,793	1,734,475	1,578	7 38	− 263,372	13·18	93	88	30,258	324,181
Posen	48,151	2,306,454	48,008	2,249,693	143	0·29	− 56,761	2·46	48	47	34,084	199,867
Brandenburg	51,073	3,754,119	49,652	3,618,584	1,421	2·78	− 135,535	3·61	74	73	61,556	287,872
Silesia	69,592	3,128,584	69,303	2,427,903	289	0·41	− 700,681	12·80	45	33	207,275	812,967
Saxony	40,976	2,559 553	39,229	2,604,723	1,747	4·26	+ 45,170	1·76	62	66	101,131	470,796
Westphalia	35,927	2,419,716	35,915	2,660,300	12	0·03	+ 240,584	9·94	67	74	95,569	791,330
Total	381,607	22,950,555	344,737	22,032,259	6,870	1·95	− 618,196	2·69	65	65	604,501	3,222,562

Decrease of peasant farms.

It will be remarked that the team-requiring properties have decreased both in number and acreage, but that the average size of a property remains the same. Unfortunately there are no means for instituting the same comparison in respect of the small holdings in contradistinction to the team-using holdings. But it may be assumed that such holdings have decreased since 1816 in consequence of the definition in that year of the peasant properties to be regulated. It will be further remarked that whereas, in Pomerania the decrease in number was 7·38 per cent. it was only ·03 per cent in Westphalia. But whereas in Pomerania there was a decrease also in acreage of 13·18 per cent., there was in Westphalia an increase of 9·94 per cent. This seems to point at absorption in Pomerania by owners who are not peasants, and at consolidation in Westphalia by owners who are peasants. In Silesia again the loss in number is small, but the loss in acreage is in quantity half as much again and by per-centage nearly the same as in Pomerania.

If then these figures represent the whole truth, the better class of peasant properties (including therein all properties not consisting of privileged or large town lands, and including, therefore, all the yeomen and most of the middle class proprietors) has lessened in numbers and become possessed of less acreage But it does not follow that they are in a worse position than before, for the present acreage may be and probably is far more valuable than the former acreage.

173. From another Table—the result of that inquiry in 1859—it will be seen that the team-requiring properties had received in the period from 1816-58 from property regulation and from commutation an agregate of 565,045 acres or 2·42 per cent. increase. Hence such properties have lost that aggregate also—making a total decrease of 1,183,241 acres or a total loss of 5·11 per cent.

	The Team-requiring Farms have					
	By Regulation ceded.	By Commutation received.	By separation of Commons.		As total result.	
			Received.	Lost.	Gained.	Lost.
	Acres.	Acres.	Acres.	Acres.	Acres.	Acres.
Prussia	153,843	30,266	367,333	49,916	193,940	..
Pomerania . ..	161,544	13,184	96,242	8,474	..	60,592
Posen	40,587	47,376	40,980	1,313	46,456	..
Brandenburg ..	154,960	17,186	202,060	16,738	47,548	..
Silesia	154,599	31,703	25,611	8,961	..	106,236
Saxony . ..	10,231	5,668	132,832	4,177	124,592	..
Westphalia . ..	610	268	319,897	222	319,337	..
Total ..	676,374	145,651	1,184,955	89,801	731,873	166,828

Therefore, the gain is equal to 565,045 acres, or 2·40 per cent.

It is to be remarked that the figures of this Table are defective—chiefly in this, that some farms were returned at their sizes after regulation or separation without stating the gain or loss by the operation. By the commutations and by the separation of commons 3,003 small holdings had become team-requiring farms. On the other hand 430 originally small farms had lost so much land that they were no longer team-requiring.

Result of dismemberment.

174. The next question answered by the 1859 inquiry was, as to what had been the result of the free trade in land in consequence of the dismemberment legislation upon the peasant holdings. By the division of larger farms into several team-requiring farms the number of proprietors would be increased without increasing the acreage. On the other hand by consolidating several small team-requiring farms into one large farm, the number of proprietors would be lessened without increasing the acreage. But if peasant farms were absorbed into the privileged properties, that would be a clear loss to the aggregate of peasant proprietors and of peasant property. If too peasant farms were distributed amongst the small peasant holdings, it would be a loss to the aggregate of peasant farmers and of peasant farms. On the other hand privileged properties might be split up into peasant properties, and small peasant holdings might by consolidation become peasant farms. And thus there are many counteracting influences at work of which the nett result has to be ascertained. From the inquiry of 1859, it appeared that the number of peasant team-requiring farms had—

		Per cent.
By consolidation diminished	20,105 or	5·7
And by dismemberment increased	10,232	2·9
Being a total decrease of	9,873	2·8

That the acreage of such farms had—

	Acres.		Per cent.
By absorption into other properties lost	597,186	or	2·60
By dismemberment lost	577,240		2·51
Being a total loss of..	1,174,426		5·11

This loss has been already estimated in the previous paragraph of this report and the figures confirm each other. It further appeared that no fewer than 5,487,948 acres of peasant farms or 2·391 per cent. had been set in movement. Of these 2,920,879 acres or 12·72 per cent. remained in team-requiring farms, 1,870,748 acres or 8·15 per cent. entered into small holdings not requiring teams, or into other than peasant possessions; and the remainder of 694,960 acres, or 3·03 per cent. was obtained by the team-requiring farms other than peasant farms.

The following Table will show various particulars of these results of the dismemberment legislation, as ascertained in 1859 :—

	Team Farms broken up by Subdivision.			New Team Farms from Free Exchange.			Team Farms.			Average Size.		Broken up Farms went—						Dismembered Portions.			Set in Movement by Dismemberment.	
	Area.			Area,			Increase.	Decrease.	Per Ct.	Broken up.	New.	To Non-Peasants.		To other Team Farms.		To non-Team-requiring Holdings.		To Non-Peasants.	To other Team Farms.	To Small Holdings.		
	No.	Acres.	Per Ct.	No.	Acres.	Per Ct.	Acres.	Acres.	Acres.	Acres.	Acres.	No.	Acres.	No.	Acres.	No.	Acres.	Acres.	Acres.	Acres.	Acres.	Per Ct.
Prussia	4,295	276,143	5·08	11,918	494,780	14·10	218,637	..	9·01	64	42	161	11,598	2,832	196,855	1,302	67,691	23,746	141,887	99,761	1,035,379	15·26
Pomerania ..	1,686	128,674	7·88	2,115	116,823	9·89	..	11,851	2·66	77	56	4¼	1,707	512	47,783	1,169¾	79,185	4,438	19,524	44,187	313,646	15·69
Posen	2,587	95,425	5·37	4,778	178,560	9·92	83,135	..	4·55	37	34	37⅓	2,374	783½	24,277	1,761	58,774	6,582	28,491	34,004	321,061	13·92
Brandenburg ..	3,371	23,532	6·60	2,919	114,268	5·71	90,736	..	0·88	72	40	79½	7,538	1,605	127,365	1,686¾	108,630	12,383	39,929	44,059	454,171	12·09
Silesia	5,591	242,302	8·03	6,821	137,407	9·80	..	104,995	1·76	43	20	135	7,060	1,507	65,312	3,949	169,930	12,258	53,512	99,537	545,014	17·39
Saxony	5,97[illegible]	288,426	14·57	5,478	141,034	13·36	..	147,392	1·20	48	26	103½	6,198	2,521¾	134,907	3,346¾	147,342	7,702	65,390	50,953	553,503	2·16
Westphalia ..	3,257	158,957	9·06	2,962	105,289	8·24	..	53,668	0·82	49	36	81¼	4,993	1,031¾	52,667	2,144	101,300	12,208	41,067	49,452	366,984	15·16
Total ..	26,957	1,203,459	7·61	36,991	1,288,161	10·52	392,508	317,906	..	54	34	601¾	41,448	10,798	649,166	15,359¼	732,852	79,317	389,800	421,953	3,589,758	15·64
Gain ..	..	..	..	..	..	..	74,602 or 1·94 per ct.															

Two remarks affecting the accuracy of this Table were made. The first was that, as all dismembered portions of which the returns left the destiny doubtful, were placed to the account of the small holdings, the number and quantity of peasant farms absorbed by them may be less than these in the Table. The second was, that in consequence of the constant movements of land in Westphalia and Saxony the figures for those provinces are not altogether exact, for it is impossible to follow such rapid changes of possession.

Influence of sub-division on inheritance.

175. Another interesting point is the influence on the position of peasant properties of the faculty of sub-division by will and of the intestate sub-division. The influence of the latter is small, for it is the custom of the peasant to make a will. The following Table, in which however there is some incompleteness—for only those sub-divisions which could in the returns be with certainty traced to inheritance are included, gives the information afforded by the 1859 inquiry.

	New Team Farms.			Team-requiring Farms broken up.			Average Size.		Ceded to Small Holdings by Team-remaining Farms.		
	In General.	By Sub-division on Inheritance.	Proportion to General.	In General.	By Sub-division on Inheritance.	Proportion to General.	New.	By Sub-division on Inheritance.	In General.	By Sub-division on Inheritance.	Proportion to General.
	No.	No.	Per cent.	No.	No.	Per cent.	Acres.	Acres.	Acres.	Acres.	Per cent.
Prussia	11,918	619	5·19	4,295	69	1·60	41	48	99,761	1,874	1·87
Pomerania	2,115	498	23·54	1,686	54	3·20	56	54	44,187	713	1·61
Posen	4,778	1,245	26·05	2,587	229	8·85	33	26	34,004	992	2·91
Brandenburg ..	2,919	303	10·38	3,371	51	1·51	38	45	44,059	752	1·70
Silesia	6,821	734	10·76	5,591	265	4·73	17	24	99,537	1,426	1·43
Saxony	5,478	1,209	22·07	5,972	1,191	19·60	27	28	50,953	8,080	15·85
Westphalia ..	2,962	432	14·58	3,257	459	14·09	35	32	49,452	5,570	11·26
Total ..	36,991	5,040	13·62	26,759	2,298	8·58	34	34	421,953	19,407	4·59

An interpretation of the meaning of this Table is not easy. Its chief defect is the absence of any statistics of the number of peasant farms (and of the quantity of land remaining to them) from which the newly arisen farms by sub-division on inheritance had sprung. It is impossible therefore to estimate directly the character of sub-division; but it may be assumed that the sub-division is not the equal and total, or equal and nearly total, sub-division of the French law. It is curious to note that, in the provinces of Saxony and Westphalia, where for a long time past free trade in land has been most developed, the sub-division by inheritance is greatest, whereas in the province of Prussia it is least. The Province of Posen follows Westphalia very closely, but the causes there are probably different. By a comparison of the average size of the new team-requiring farms, which have arisen from sub-division by inheritance with the average size of such peasant farms in 1859, another curious fact presents itself. That average size is in Saxony and Westphalia less than one-half of the average size of such farms in the province, whereas in other provinces the proportion ranges from three-fifths to two-thirds. For the whole seven provinces, that average size scarcely exceeds one-half of the average size of a peasant farm. It is also curious to notice that in Westphalia and Saxony the number of broken up team-requiring farms equals the number of new farms In Posen, alike in the sub-division by inheritance, there is on the other hand a clear gain of a thousand new farms or 20 per cent. Indeed, Posen seems to be altogether exceptional. The chief reason for this exceptional position seems to be that equal sub-division is by no means the custom, and that although it is the custom to favour the eldest son, it is also usual to give one or more other children shares more or less in excess of their obligatory shares, and it may also be that the smaller farmer prefers to leave the farm to one child, with or without charges for the others as may be necessary. This preference may not have so much weight in countries within the domain of French law. As regards Saxony and Westphalia, the conclusion seems to be that in respect of numbers there is neither gain nor loss, but in respect of average size a decided loss in consequence of sub-division on inheritance. It is true that that average size is about the same as the average size of the newly arisen farms. But under the conditions of the statistics hereinbefore given, the obvious inference is, that sub-division on inheritance has, in spite of accretions by extinction of commons or by compensation or by economy, reduced the average size of peasant farms subjected to it to half the average size of such farms in general. It may be that further information would qualify this inference for it is impossible, that only the smaller farms have been subject to sub-division on inheritance, and that they have maintained their former average size. It must always be borne in mind that these peasant farms have during this century been acquiring land by extraneous causes, such as the extinction of commons, Therefore either the sub-division, being spread over all sizes of

farms, has been such as not only to counteract the effects of such extraneous causes but also to reduce the average size of the farm by one-half, or being confined to the smaller farms, it has nearly balanced the effect of such extraneous causes. It will be recollected that in spite of such extraneous causes of increase, the average size of the peasant farm was in 1859 the same as in 1816.

Under these observations has lain the assumption that the sub-division was equal, or nearly equal. If, however, it were very unequal, *i.e.*, if the newly-arisen farms bear a very unequal ratio in acreage to the farms from which they had been separated by sub-division on inheritance, then the average size of such inherited farms cannot be held to indicate a diminution of the usual average size of peasant farms by sub-division on inheritance.

bsorption of am farms.

176. Another point of interest is to ascertain the influence of absorption by small holdings and by privileged holdings upon the team-requiring peasant farms. The known statisties on this point are in the following Tables:—

RESULTS of Absorption.

	Team Farms broken up by Absorption.				Together.			
	Into Privileged Estates and other Non-Peasant Lands.		Into other Team Farms.		No.	Per cent.	Area.	
	No.	Area.	No.	Area.			Acres.	Per cent.
		Acres.		Acres.				
Prussia	3,241	205,270	6,302	371,756	9,543	11·29	577,026	8·50
Pomerania	1,602	116,588	531	46,878	2,133	9·98	163,466	8·18
Posen	1,372	65.319	1,027	47,783	2,399	4·98	113,102	4·90
Brandenburg	966	84,620	778	55,908	1,744	3·41	140,528	3·74
Silesia	1,684	71,582	398	15,812	2,082	2·99	87,394	2·79
Saxony	503	36,447	1,186	49,037	1,689	4·12	85,484	3·46
Westphalia	231	17,396	284	14,274	5,515	1·43	31,670	1·30
Total	9,599	597,222	10,506	601,448	20,105	5·70	1,198,670	5·23

RESULTS of the Free Exchange between Peasant Team Farms and Small Holdings.

	The Team Farms have ceded				Received.	Ceded more than Received.		Small Holdings have thus become Team Farms.	
	And remained Team Farms.		And been Broken up.	Total.				No.	Proportion to other Team Farms.
	By Inheritance.	By other Alienation.							
	Acres.	Acres.	Acres.	Acres.	Acres.	Acres.	Per cent.		Per cent.
Prussia	1,874	97,887	67,681	167,442	17,752	149,690	2·20	322	2·70
Pomerania ..	713	43,474	79,185	123,372	2,854	120,518	6·03	200	9·50
Posen	992	33,012	59,774	93,778	6,276	87,502	3·75	278	5·81
Brandenburg ..	752	43,307	108,630	152,689	17,455	135,234	3·60	930	31·86
Silesia	1,426	98,111	169,930	269,467	21,263	248,204	7·93	1,319	19·33
Saxony	8,080	42,873	147,342	198,295	139,978	58,317	2·27	2,301	42·00
Westphalia ..	5,570	43.882	101,300	150,752	87,238	63,514	2·62	1,662	56·11
Total ..	19,407	402,546	733,842	1,155,795	292,816	862,979	3·75	7,012	18·95

RESULTS of the Free Exchange between Peasant Team Farms and non-Peasant Estates.

	Total Loss.		In Free Exchange with Privileged Estates.					
			Alienated.	Acquired.	Loss.	Per cent.	Team Farms.	
							Broken up.	Increased in.
	Acres.	Per cent.	Acres.	Acres.	Acres.		No.	No.
Prussia	89,492	1·31	224,778	60,089	164,689	2·42	3,241	929
Pomerania	82,017	4·10	120,580	23,176	97,404	4·87	1,602	?
Posen	16,128	0·69	69,681	23,442	46,239	2·00	1,372	372
Brandenburg	46,262	1·23	94,390	33,082	61,308	1·63	966	210
Silesia	44,185	1·41	87,103	41,768	45,335	1·47	1,684	1,047
Saxony	20,276	0·79	48,074	17,107	30,967	1·20	503	?
Westphalia	14,083	0·58	31,132	9,360	21,772	0·89	231	..
Total	312,443	1·36	675,938	208,024	467,714	2·04	9,599	2,558

From these Tables it appears that of the loss to team-requiring peasant farms of 1,331,691 acres or 5·23 per cent., 468,712 acres or 2·04 per cent., *i.e.*, about three-eighths,

were absorbed by privileged holdings; 862,979 acres or 3·75 per cent., *i.e.*, about five-eighths, by peasant small holdings. There was a gain in other directions by absorption, which reduced the total loss to a nett loss of 1,198,670 acres. It will also be observed that nearly 19 per cent. of the newly-arisen peasant farms consisted of small holdings, which had by acquisition from peasant farms become team-requiring farms. There is not sufficient time to analyze these figures further, but it may be pointed out that in Pomerania and Silesia the per-centage of total loss has been about 10 per cent.; whereas in Saxony and Westphalia it has scarcely reached ·04 per cent.

Ratios of team farms to small holdings.

177. The ratios between the team-requiring farms and the small holdings vary considerably, according to the province. Thus the small holdings bear to the team-requiring farms a ratio—

In Prussia of	9 to 10
Pomerania	5 to 3
Posen	2 to 3
Brandenburg	5 to 6
Silesia	3 to 1
Saxony	5 to 2
Westphalia	8 to 3
And in these seven Provinces of	3 to 2

It is interesting to observe that the proportion of small holdings to peasant farms is highest in such provinces, as Saxony where the changing lands have so long existed; and as Westphalia where the freedom of exchange in land was earlier introduced; and as Silesia where an improved legislation obtained at an earlier date. There is, however, reason to believe that in the latter the proportion of small holdings was formerly higher.

Dismemberment in New Pomerani and Rügen.

178. It will be remembered that in the course of this Report it has been frequently necessary to separate New Pomerania and Rügen (the provincial district of Stralsund) from the rest of the eastern provinces as a portion in which, owing to Swedish law, the agricultural legislation had a different development. This has also been done in the statistics of the 1859 inquiry, chiefly because there were so many leaseholders in that district. The figures include owners and tenants. Of team-requiring peasant farms there were:—

	Number.	Acres.
In 1816	1,583	154,308
1859	1,494	145,660
Decrease	89	8,748
	Or, 5·62 per cent.	Or, 5·66 per cent.

Thus the tenant-farms are not exempt from the same decrease as proprietary farms. This net decrease in acres was thus distributed:—

	Acres.
From regulation and separation	1,592
Absorption by small holdings	3,572
Absorption by non-peasant holdings	3,584
Total	8,748

The nett decrease in numbers is thus found:—

The total decrease by absorption was	203
„ by dismemberment was	78
	281
The total increase by various causes	192
Net decrease	89

In 1859 there were also 5,369 small holdings, with 19,224 acres. It will be observed that the average size of team-requiring farms is scarcely 10 acres, and of small holdings scarcely 4 acres.

No great sub-division.

179. It is much to be regretted that the inquiry of 1859 was not extended to the Rhine Provinces. But so far as it went the general conclusion to which it points is, that the dismemberment legislation has caused no great and minute sub-division of the land and that the smaller proprietors have in the forty years by no means injuriously gained ground. For in 1859 of the total area of the seven provinces 59·73 per cent. was in the possession of non-peasant holders and in large properties, 35·10 per cent. in team-requiring peasant farms, and 5·07 per cent. in small holdings. But in the first per-centage is included about 15 per cent. for State and mortmain and municipal property, so that about 44·73 per cent.

only are in private hands. If this fact be taken into account, then the aggregate acreage of peasant properties is about equal to that of the large properties. But there were fears not only as to the danger of excessive sub-division from small proprietorship, but also as to the danger of the gradual diminution of the middle properties—the team-requiring peasant farms. The statistics on the contrary show that the diminution is only 5·11 per cent. in forty years, which, if the doubling of the population in the same period be considered, is in Prussia looked upon as small, and as at any rate unexpectedly small.

ss to small oldings.

180. With regard to the small peasant holdings, there are two ways of looking at them in connection with this dismemberment legislation. If their former possessors be considered as owners with limited rights, then it is probable that the number in 1859 is less than in 1816. But if their former possessors are considered as mere tenants either at will or for a terminable period, then it is more correct to look upon such small holdings as recently created. In this latter view it is not correct to refer to the disappearance, under the influence of the Declaration of 1816, of such small peasant holdings as a loss to peasant proprietorship. But it certainly seems more accurate to look upon the small peasant holdings in 1816 as property, however imperfect, and to look upon the subsequent change as a conversion of imperfect proprietorship into absolute ownership. And it is considered that the references in this report to their nature and the bearing of legislation upon them will support this view. It is, therefore, very regrettable that it is impossible to compare their position in 1859 with their position in 1816. But if it be assumed that the figures obtained in the inquiries of 1838 and 1852 are sufficiently accurate for purposes of comparison in respect of the small holdings, then the following Tables can be constructed :—

NUMBER of Non-team-requiring Peasant Properties.

Provinces.	1837.	1851.	1859.
	No.	No.	No.
Prussia	47,313	70,439	74,628
Posen	27,950	38,809	34,084
Pomerania	19,610	28,112	30,258
Brandenburg	44,721	57,728	61,556
Silesia	151,486	164,707	207,275
Saxony	74,907	87,418	101,151
Westphalia	93,358	108,891	95,569
Total	459,345	556,104	604,501

Provincial Districts.	Average size.		Smallest size, 1851.	Largest size, 1851.
	1837.	1851.		
	Acres.	Acres.	Sq. yards.	Acres.
Königsberg	4·0	4·1	51	4·4
Gumbinnen . ..	3·7	3·9	34	2·4
Dantzig	4·1	4·0	68	10·1
Marienwerder ..	5·5	4·8	34	13·4
Posen	9·5	8·6	68	3·2
Bromberg	6·2	6·0	17	5·4
Stettin	6·0	7·0	85	7·9
Köslin	6·2	8·4	170	12·8
Potsdam	3·2	3·8	84	10·8
Frankfort ..	4·5	4·6	17	10·1
Breslau	4·0	4·7	34	10·3
Oppeln	5·5	5·8	34	4·9
Liegnitz	2·9	2·7	17	20·7
Magdeburg	3·0	3·3	34	1·9
Merseburg	7·5	7·0	34	8·6
Erfurt	4·1	4·0	93	3·3
Münster	9·4	9·8	51	12·7
Minden	8·6	8·0	51	19·2
Arnsberg	10·5	9·4	17	28·3
In the seven Provinces	5·8	5·9	17	28·3

If then these figures are to be trusted there was in the period from 1837 to 1851 an increase of 30 to 50 per cent. in the number of small holdings in each province, but in 1859 the numbers in Posen and Westphalia diminished, whereas there was a relatively similar increase in the other provinces. If the average size be regarded, it will be found that it became larger in 1857 except in a few provincial districts, and that throughout the State the average size was about the same in 1837 and in 1851. The alterations were never important. The variety in the sizes of the smallest and largset holding of this kind ineach provincial district is great.

Dismemberment split up from 1837 to 1851 42,723 small holdings of 157,048 acres, which were thus distributed:—

3,792	acres to increasing	278	privileged estates.
3,022	„ to founding	609	new team peasant farms.
30,380	„ to increasing	8,028	team peasant farms.
60,306	„ to founding	20,958	new small holdings.
58,980	„ to increasing	23,392	small holdings.
588	„ to other purposes		
157,048			

But the small holdings similarly gained as many as 650,610 acres from privileged holdings and from team peasant farms.

181. There are also some other statistics bearing upon this subject. For instance, in the five years 1852-56 there were 65,425 plans of apportionment of charges to portions of lands separated from estates. In the same period 5,764 farms, sufficiently remunerative for independence, disappeared from splitting up, and 10,225 by absorption into other properties.

In connection with this dismemberment legislation it will be of interest to quote here from a subsequent section of this part of the Report its indirect result in causing estates to be sold by compulsory auction. Of a total number of 12,433 landed properties thus sold for reasons of debt, or of sub-division from 1858 to 1867 in four departments, 1,190 were sold, because sub-division was necessary. Of these 343 were peasant properties, and 7 were privileged properties, the rest being town properties.

Latest notices of results of dismemberment.

182. The agricultural Report from West Prussia, as quoted in the Official Year Book for 1868, notes, "that the peasant farms of 60 to 150 acres in many departments have been bought up chiefly by partnerships with Jewish capital, and sub-divided into small portions. This has not, however, passed due bounds, but has tended to increase the number of settled labourers, who in consequence of the smallness of their holdings are obliged to seek further means of livelihood upon larger estates at harvest time and by labour in subsoil draining, &c." From Posen no important change in the distribution of land is reported. "The so-called slaughter of peasant property is recently less. The holding fast to the inherited property is fortunately becoming more and more a characteristic of the peasants of this province." In Brandenburg "the dismemberment, especially of peasant properties, and more seldom of privileged properties, takes place more or less throughout the province. It is caused less by real interests of agriculture than by the speculations of the so-called estate-slaughterers. One result, however, is that other peasant properties increase by buying portions of the sub-divided properties." In Pomerania "the peasant properties are subject to much splitting up by sale or on inheritance." In Silesia, "the sub-division progresses without raising fears." From Westphalia it is reported, "the land is much split up in the provincial district of Minden." Such are the references in the official Reports to the results down to 1868 of this dismemberment legislation.

(δ.)—*Results of the Legislation of Special Procedure.*

183. These results are so intertwined with the other branches of the legislation, and are so obvious that they need not be here recapitulated. But it will be of some interest, and will complete the statistics of the work as given in the previous sections to append the following figures of the affairs now pending before the special procedure authorities. For the year 1868 there remained at the end of 1867, 6,107 cases, of which a third had nearly reached the last stage. In the year 1867, five new cases of regulation, 616 of commutation, and 4,414 of commons had come before them; and it is understood that, so far as regards the old provinces and exclusive of the recently acquired provinces, the new cases were fewer last year, and have been this year fewer and of less importance.

(ε.)—*Results of the Legislation for Land Improvements.*

184. In this section an attempt will be made to sketch the more or less direct results of the legislation delineated in the corresponding section of the preceding part of this Report. No attempt will therefore be made to estimate the influence upon agricultural progress of the improvement of means of communication in railways, roads, and waterways. The development of such means of communication belongs rather to the following part of this Report.

The system of land improvements has certainly obtained by recent legislation such a stand-point that it cannot fail to have a most important future. Associations which have been formed under its influence have in rich districts found their entire capital without

State loans by aid of the debentures to bearer, and have only resorted to State advances either in order to begin work at once or in order to meet some unforeseen expenditure. But in poorer districts associations have often had to obtain a half or more of their capital by State loans.

Extent of works of land improvement.

In the last twenty years the undertakings for land improvements have embraced 1,951,280 acres, about 2·7 per cent. of the entire area of the kingdom. Of that acreage dykes, at a cost of 1,506,081*l.*, have protected by new or improved works 1,240,960 acres, and irrigation and drainage works have improved at a cost of 885,951*l.* the remaining 710,320 acres. To the accomplishment of this work the State has granted only 266,011*l.* and advanced only 233,304*l.* Private enterprize has therefore found five-sixths, and the State only one-sixth of the capital. To put this in other words, out of every 24*s.* 6*d.* per acre which the works cost, the State found only 2*s.* 6*d.* The similar points of such undertakings in England and France have been compared unfavourably with the above points. For instance, works in Ireland costing the State 62 per cent. of the total capital have been thus quoted, but I am not able from want of acquaintance with such matters to institute any comparison. Yet, even after every allowance for difference in difficulties to be overcome and in labour to be paid, the probability is that Prussia has done her modern work of land improvement more cheaply than we have.

185. The number of dyke associations is 94, the number of compulsory irrigation and drainage associations is 95, and the number of voluntary irrigation and drainage associations is 170. In these numbers are included no old associations except those whose statutes have been revised according to the new law. Besides these there are some 400 meadow associations in Siegen, partly in existence before the law of October 28, 1846, and partly established since 1846. These latter embrace an area of 13,502 acres. The area, to which the benefit of an association for land improvement extends, varies much. For instance, there are 98 voluntary associations for irrigation, &c., in the Rhine Provinces with 4,528 acres only, whereas in Brandenburg there are 4 such associations with 15,378 acres. Also there are in Pomerania 8 such compulsory associations with 3,848 acres only, whereas in Saxony there are 8 with 166,242 acres. The dyke associations also naturally vary much as to the extent of country they protect. It may be further noted that Saxony, Brandenburg, and the Rhine Provinces have availed themselves of this legislation to the extent of about a twentieth of their area, and that the other provinces, with Westphalia last, follow in diminishing ratio.

To the total capital of all the undertakings the following are the proportions raised in different ways:—

17·4 per cent. by State advances and loans.
28·1 „ by debentures to bearer.
29·4 „ by private loans.
25·1 „ by private subscriptions.

The following Table will show the various points in connection with all these kinds of associations:

	Dyke Associations.	Reclaiming and Irrigating Associations (Compulsory).	Reclaiming and Irrigating Associations (Voluntary).	Total.
	No.	No.	No.	No.
Associations	94	95	170	359
	Acres.	Acres.	Acres.	Acres.
Improvement area	1,240,960	646,134	64,188	1,951,282
	£	£	£	£
Capital	1,506,079	818,987	66,819	2,391,885
Capital obtained—				
From State	164,378	224,690	24,960	414,028
By debentures to bearer	372,255	229,272	..	671,527
By private loans	505,104	183,343	12,746	701,193
Capital paid off to December 1866—				
Of State advances	41,156	10,752	5,285	57,193
Of debentures to bearer	23,996	16,783	..	40,779
Of private loans	153,688	89,854	7,044	250,586
Capital owing in 1867—				
To the State	123,222	213,927	1,967	339,117
By debentures to bearer	348,259	282,489	..	630,748
By private loans	351,416	93,489	5,702	450.607

Forest planting.

186. Then, too, the forest planting on the Eifel must be noticed. Its object has been to render the unproductive moor, mountain sides, and high plateaux productive by suitable plantations, and to protect the plains by uniting existing forests. The plans were made

on the spot with every possible regard to the agricultural and financial relations of the commune. The labour was furnished by the communes themselves, and only a premium either partly or approximately related to the actual outlay was given by the State. But the cost of the preliminary inquiries and surveys, of the special implements and of the supervision of the cultivation was borne by the State. From 1855 to 1866, at an expense of 17,833*l.*, about 29,174 acres have been planted. This average forms part of 83,334 acres already marked out for replanting with woods. In the Northern Provinces where such undertakings have a larger field, the State has hitherto rendered these services to agriculture at its own cost by planting the sandhills of the coast and other bare and unproductive districts.

Improvements yet to be made.

187. The dyking of rivers and streams is nearly finished. But there are still important works at the Memel Delta on the Vistula and on the Elbe to be accomplished. The reclaiming of land has still a large field for its operation. The increase of population and the hitherto rising value of land will stimulate such undertakings. There seems to be still much damage caused by mill-dams, and by the vagaries of private streams, and there seem to be still large tracts of swampy land. Numerous undertakings for removing these evils are, however, even now in process of establishment. On the other hand, the action of the Irrigation Law is not so extended.

As to the effect of land improvements upon the value of land it is impossible to estimate it in figures. But it has certainly varied very much. Under favourable conditions the effect has been to increase the value three or even ten times within a few years, whereas under less favourable conditions it has required the labour of ten years to obtain a remunerative return.

Finally, it may be recorded that as yet no large Association has failed in its undertaking, and only a few Irrigation Associations in the hilly districts of the Rhine have been from want of sufficient water unsuccessful. The self-administration of dykes and other works by the associations has answered admirably.

Latest notices of land improvements.

188. It must be conceded that this is but a hasty glance at the land improvements in Prussia, but it would demand more time than can now be given to appreciate their importance by a more complete investigation. A reference must, however, be made to the notices on land improvements in the "Official Agricultural Year Book for 1868." The bringing into tilth of forest clearings and the improvement of barren lands have been actively pursued, chiefly in the less cultivated provinces. In Westphalia, however, the yearly increase of 1,500 to 2,250 acres of moorland brought into cultivation has continued. In the Rhine Province, too, the cultivation of barren lands, chiefly in the provincial district of Trèves, receives much attention. In regard to Drainage and Reclaiming Associations the year 1867, with its abnormal weather, has given them an impetus. The famine in Prussia caused a grant of 15,000*l.* to be spent in employing destitute persons on land improvements, and respecting this attempt to relieve the distress of the people an interesting special Report has been published. The various improvements in Prussia affect 25,000 acres, at an expenditure of about 70*s.* per acre, of which the State has advanced 36*s.* In Posen several important works have been brought to a successful conclusion or are in process of establishment. A large undertaking affecting nearly 100,000 acres in the Provinces of Saxony and Hanover and the Duchy of Brunswick has been practically finished. A similarly large undertaking for improving the course of the Aller and Ohra is being vigorously pushed forward. There are notices of works in the other provinces. Altogether there were in 1858, 57 undertakings affecting 449,290 acres in progress, and 106 affecting 1,247,654 acres in preparation. Besides these, works of subsoil draining have been extended. As regards Associations formed under the Dyke, Reclaiming of Land, and Irrigation Laws, it appears that in 1868 had arisen—

	Acres.	Capital.
		£
4 dyke associations, with	22,184	53,467
22 compulsory associations, with	41,498	32,275
32 voluntary associations	15,392	11,928
Total	79,074	96,672

Of the 22 voluntary Irrigation and Reclaiming Associations 17 belong to the Rhine Provinces, 5 to Westphalia, and the remaining 10 to the rest of the Kingdom. Of the 22 compulsory Irrigation and Reclaiming Associations 6 belong to the Rhine Provinces and Westphalia, and the remaining 16 to the rest of the Kingdom. Of the 4 Dyke Associations the 2 of importance belong to Saxony.

(ζ.)—*Results of the Auxiliary Agricultural Legislation.*

Land tax.

189. The important subject of the land tax claims the first notice. It will be recollected that the object of the new legislation on the land tax was to equalize its incidence throughout the country and to render the ratio of taxation imposed by it upon the holders of land more nearly correspondent to the ratio of taxation imposed upon holders of other kinds of property. Dr. Engel, President of the Statistical Bureau, published the year before last an elaborate and interesting investigation of the question, to what extent land is really taxed by the land tax? After a detailed examination of the various conditions of the problem be arrived at the conclusion that the incidence of the taxation was not uniform, for its rate varied from 2 groschen to $7\frac{1}{2}$ groschen per morgen, or from $3\frac{1}{3}$ per cent. to $5\frac{9}{10}$ per cent. of the net returns. At the same time the results of his investigation showed that the complaints were unfounded as to its rate of incidence reaching nearly 10 per cent. on tilled lands in some parts of the monarchy. It may be remarked that the higher rates are borne by Silesia, Saxony, Westphalia, and the Rhine Provinces. The brief summary of Dr. Engel's conclusions is added on account of its interest:—

"1. The area of fallow is 18 per cent. of the total area of arable land.

"2. The average gross returns of all kinds of cultivation of arable land is 500 groschens per morgen.

"3. The average cost of production absorbs 80 per cent. or 400 groschen.

"4. The average net returns are, therefore, 100 groschen.

"5. The average land tax is 4·21 groschen.

"6. Accordingly the average ratio of incidence is 4·21 per cent."

Agricultural acadamies.

190. The important subject of instruction in agricultural knowledge claims the next notice. There are now only four of the higher class of technical institutions—called "agricultural academies"—viz., at Eldena, Proskau, Poppelsdorf, near Bonn, and at Berlin. Agriculture is also taught at Halle. These institutions were frequented from 1865 to 1868 by an average number of 235 students per term. In the last term of last year there were out of 275 students 47 foreign and 26 German, but not Prussian students. The course of instruction in these institutions will be briefly noticed in the subsequent part of this Report. There are now twenty-six middle and lower agricultural schools, attended by about 120 free scholars, 29 partially boarded, and 173 entirely boarded scholars, making a total of 321 scholars. The total number of scholars educated by these schools is 5,223, of whom 1,117 were not Prussian. These schools have an area of 13,459 acres under cultivation for the practical instruction of their pupils. The State aid amounts to the annual sum of 5,280*l.* Some further details not so directly connected with the action of the State will be found in the subsequent part of this Report. The model farms have, in spite of all State subsidies one after the other disappeared, and require no further reference. On the other hand, the instituting of practical experiments in scientific agriculture has been developed.

Agricultural associations.

191. This section cannot be closed without a reference to the numerous agricultural associations which have been founded for the promotion of agriculture. At the end of 1868 there were—

Central associations	31
Branch ditto	618
Independent ditto	170
In all	819

These associations had—

Free members	4,810
Subscribing ditto	105,186
Members in all	109,986

They possess libraries, agricultural collections, implements, &c., and also a money capital of over 50,000*l.* Their total income exceeds 40,000*l.* These associations are mentioned here, although they are voluntary societies, and have not been directly called into existence by the laws of the State, because they serve to complete this brief summary of the results of auxiliary agricultural legislation, inasmuch as they owe their present importance to the indirect influence of the State and are of essential advantage to agriculture.

192. The subsidies to provincial loan funds mentioned in the corresponding section of the previous division, seem to have formed the commencement of the institutions of such loan funds in every province. But I am not in possession of any further information in respect of their influence upon the agricultural development of the country.

(*b.*)—*Results of the Laws and Institutions limiting the power of Disposal of Land.*

193. For the most part these results are stated in stating the directions of the law. If the law forbid alienation the result is inalienability; if the law compel succession in accordance with the will of a donor or founder, that succession limits the right to dispose of land. But it will be interesting to state the facts as well as the laws. To what extent do the institutions referred to in the corresponding subdivision of this report limit free exchange in land?

The following Table will give the answer:—

	Acres.	Per cent.* of Productive Acres.	Net Returns according to basis of Land Tax.	Proportion per Acre.
			£	*d.*
Royal estates	275,685	·55	48,872	31
Crown lands—				
a. Demesnes	975,000	9·58	329,066	81
b. Forests	5,288,113		464,689	21
c. Other property	315,070		30,411	23
Corporations—				
Lands of towns	1,254,043	4·07	203,261	39
Lands of Communes	1,544,388		210,952	33
Mortmain—				
a. Churches, &c.	1,081,650	2·28	368,300	82
b. Universities, &c.	82,048		36,997	108
c. Other schools	122,099		38,478	76
d. Religious and charitable institutions .	279,776		103,388	88
Entailed lands—				
Feudal or in *fidei commissa*	4,432,123	6·45	913,293	50
Total unfree lands	15,649,995	22·93	2,747,707	42
Free land	53,017,556	77·07	13,585,177	61
Unproductive area	2,754,430	..	..	..
Total†	71,421,981	100·00	16,332,884	56

194. As regards the Crown estates of the Royal Family they are very small. The Prussian Sovereigns acquiesced at a very early date in the separation of the so-called State demesnes or Crown lands from the Crown. In 1820 the Civil List ("Krondotation") was fixed at 375,000*l.* a-year, which was in 1850 raised to 450,000*l.*, and has since January, 1868, been raised to 600,000*l.* "The Constitution" recommended that the Civil List should be a first charge upon the Crown lands, in return for which it is granted or out of which it sprang; but this does not appear to have been yet done. Crown estates of Royal Family.

As regards the Crown lands it will be noticed that the forests are extensive. The Crown lands do not, however, reach to one-tenth of the aggregate of land in the kingdom. The national property, such as woods, public rivers and waters, &c., are not included. The Crown lands were in 1820 erected into security for the national debt, and all monies received on account of them must be applied to the sinking fund of that debt; for this purpose powers of sale as well as powers of regulation of property relations have been granted. The alienability of the Crown lands is not expressly forbidden, and indeed during the last fifty years many Crown estates have been sold in carrying out the regulation of property relations. Crown lands.

As regards corporations they do not possess one-twentieth of the aggregate of land in the kingdom; the churches and parsonages possess a sixty-fifth part, and the schools only a hundred and seventieth part.

195. As regards fiefs and estates in *fidei commissa* it will be interesting to give a Table showing their distribution by provinces. Fiefs and *fidei commissa*.

* This is the proportion to the whole productive area of the Monarchy.

† This total is exclusive of the lakes on the shores, which have an area of more than 1,000,000 acres.

	Area.	Proportion of Productive Area.	Net Returns.	Proportion per Acre.
	Acres.	Per cent.	£	*d.*
Prussia	268,150	1·70	45,812	41
Pomerania	1,150,015	15·10	199,798	42
Posen ..	122,903	1·68	18,353	36
Brandenburg . ..	841,088	8·41	153,522	44
Silesia	1,112,109	11·00	185,654	40
Saxony	495,264	7·93	183,085	88
Westphalia . ..	342,696	6·80	93,448	65
Rhine Provinces ..	99,898	1·50	33,321	81
State	4,432,123	6·45	913,293	50

Their ratio in area to the aggregate of land is highest in Pomerania and lowest in the Rhine Province. It is curious to note how the original settlement of the land, the outward arrangement of landed estates, the development of the feudal system, the different systems of law, the influence of race, and the influence of foreign action, can all be traced in the results embodied by these figures in the different provinces. Taking area and net returns together these estates are most flourishing in Saxony and least flourishing in Posen and Prussia. It will be observed that this total area is scarcely a seventeenth part of the aggregate area of the kingdom. The proportion of settled and entailed property would doubtless be much larger in England. It has been impossible to get any statistics showing how much land was held on entail by eldest sons or youngest sons, or by oldest of the same degree, or by oldest of the family. To the latter form of succession a few entails are still subject. It is seldom that a *fidei commissum* is now founded.

196. The total of all the lands over which there exists only limited rights of disposal is 15,649,995 acres, being rather more than one-fifth of the aggregate of land in the kingdom.

The Crown lands are most extensive in Prussia and Brandenburg, least in Westphalia. The corporation of towns have the most land in Brandenburg and the least in Posen. The corporations of communes hold a sixth of the land in the Rhine Provinces, but only a four hundredth part in Prussia. The churches and parsonages are more equally endowed province by province, but never hold more than a fortieth part of the land. The religious and charitable institutions are best endowed in Pomeranina and Brandenburg, but have only in each province about a hundred and twenty-fifth part of the land.

Indefeasible heritages.

197. The foregoing account of the accompanying facts of the laws restricting the power of disposal over land will give an idea of how far they limit the free exchange in land which constitutes the rule in the provisions of the legislation. A few words must be added on the influence of indefeasible heritages, an influence which is exerted in favour of free exchange in land, although the law constitutes practically a limitation also of the powers of disposal over land. It is clear that this doctrine does, so far as it goes, produce the effect of the French laws of succession, or, in other words, it has the effect of a compulsory intestate succession to a varying portion of the estate of a deceased person. It does not necessarily divide the land, but if there be no other property of the deceased to satisfy the claim for the obligatory shares, the land or the value of the land he leaves must be divided in such a manner as to satisfy those claims, except in the case of lands in *fideï commissa,* or held as fiefs, or held by any other kind of recognized entail which are not subject to this law. The tendency is therefore to break up landed properties; and this law is always acting, for it is, subject to the above mentioned limitation, universally compulsory at the will of the natural heirs, and in this respect, therefore, it has more influence than the laws of intestate succession, from the action of which a man can withdraw his property by availing himself of his power to make a will. This law of indefeasible heritages may have had some influence in producing the compulsory sales by auction noticed in the γ section of the *e* subdivision of this division, and the results of dismemberment legislation noticed in the γ section of the *a* subdivision of this division of the Report; but it is impossible to ascertain the amount of influence upon them, or indeed to give by statistics any account of the results of this law in favour of children's rights, which is unknown to our legal system.

(*c.*)—*Results of the Laws of Intestate Succession.*

198. There are no statistics forthcoming to show to what extent the laws of intestate succession receive application. When they are applied, the result is division of all property including land and frequently equal division. I am informed that it is the custom for every one, who has any property to leave, to make a will. It will be remem-

bered that, subject to the claims of indefeasible heritages, the law allows entire freedom in the disposal by will of property. The custom of making wills diminishes, consequently, the effect of the division ordered by the law of intestate succession. In the γ section of the *e* subdivision of this division of the Report will be found some statistics of the number of properties compulsorily sold at auction for reasons of division on inheritance, but there is no indication to be obtained from them as to whether those sales were caused by the effect of a will or by the influence of the law of indefeasible heritages, or in consequence of the law of intestate succession. Neither can it be traced how far the results of the dismemberment legislation, as displayed in the γ section of the *a* subdivision of this division of this Report, may have been influenced by the laws of intestate succession.

(*d.*)—*Results of Law of Landlord and Tenant.*

199. This part of the law of the land cannot be said to have direct results in the sense of having had direct influence in creating tenants as the agricultural legislation has had in creating peasant absolute proprietors. But it has this accompanying negative fact, that its provisions are seldom required. For showing this fact the returns of the census of 1861 are at present the latest which can be used, and the statistics hereinafter quoted will be based upon those returns.

Tenants in Pomerania.

It has already been noticed that, in New Pomerania, the Swedish law had almost annihilated the peasant proprietors. It is not, therefore, surprising that there tenants have been numerous. Indeed, so numerous were they, that whole villages consisted of leaseholders of the farms of landed proprietors. In Rügen one half of the team-requiring peasant farms are held on lease. In older times the tenants on the lands belonging to the town of Greifswald used to hold them on leases of 24, 50, and even 60 years in common by villages, but in modern times each peasant has had a separate lease. On the renewal of such leases the number of tenants was sometimes increased and sometimes diminished, and often a number of tenant farms was absorbed into the outlying farms of the landed proprietor. Here, too, there were found some real services between lessor and lessee, which had to be commuted. This system of leasing has continued to exist in Pomerania, as has been already seen in the 178th paragraph of this part of the Report.

In 1861 there were in Pomerania 6,308 tenants to 62,374 proprietors, about one-eleventh of all the farmers, but of these there were in the provincial district of Stralsund 2,115 tenants and 4,457 proprietors, the tenants therefore amounting to nearly one-half of the number of proprietors, and forming nearly one-third of the total number of farmers In this provincial district are the departments of Greifswald and Rügen, containing about one-third of the population of the provincial district. The proportion of tenants in them exceeds the half obtaining in the said district. These figures include farmers, properly so called, to whom farming is the sole or chief business, and also cultivators to whom farming or rather cultivation is only subsidiary. If the former category be alone considered, the proportion of tenants is still more exceptional to the rule throughout the kingdom. Of farmers, properly so-called, there are in this provincial district 1,170 tenants and 1,483 proprietors, the tenants therefore forming nearly one-half of the total number of farmers. Of such farmers there are in the department of Rügen 493 tenants and only 359 proprietors, and in Greifswald 201 tenants and only 197 proprietors, the tenants in both cases exceeding the proprietors. These figures further include the tenants on Crown lands, which form about a fifteenth of the whole area in those departments; and if a separation were effected it would lessen the proportion of tenants to proprietors on lands, which could be farmed by proprietors instead of tenants, for Crown lands cannot be of course farmed by proprietors. This observation is equally applicable to all subsequent statistics on this subject, but needs no repetition on each occasion.

Length of lease.

It must not be forgotten that the Crown agricultural leases are 12, 18, 24 years. There is no special information as to terms of years in other leases. But it may be considered that the rule is to grant long leases. In Posen, however, short leases occur—even leases of only three years. This system of three-year leases arises out of the system of three-field cultivation or three-year rotation of crops. It will, however, have been remarked that the tendency of the law of landlord and tenant is to give a tenant by silent prolongation of his lease the right to remain until the rotation of crops by local custom has been completed. Hence as the period of rotation increases, so will the minimum period of the tacit prolongation and also of the leases increase.

Tenants in Westphalia;

It has also been mentioned in this Report that a system of leases existed in ancient times in Westphalia. This system has not died out in that Province. The proportion of tenants to proprietors amongst farmers is, however, much less than in New Pomerania. There are 15,315 tenants to 103,807 proprietors—about one-eighth of the total of

farmers. Of these tenants 7,314 are farmers, properly so-called, and 8,004 are cultivators with another industry. In the Department of Münster are 10,379 of the total number of tenants, and they are nearly one-fourth of the total number of farmers.

And in Rhine Provinces.

It has also been previously remarked that the system of letting land on agricultural leases had existed in the Rhine Provinces. But tenants are not a considerable proportion of the farmers. In this Province "farmers" must be taken to include all persons independently engaged in any branch of agriculture, for the culture of the vine is an important branch of agricultural industry in that Province. There are 15,004 tenants to 237,397 proprietors—forming about one-sixteenth of the total number of farmers. But in the Department of Dusseldorf there are 7,375 tenants (or nearly a half of the whole) to 42,516 proprietors—forming as much as one-seventh of the total number of farmers.

Tenants in the Kingdom.

200. The following Table will give these figures and also the corresponding ones for the other Provinces :—

Provinces.	Farmers and Farming Large Owners.		Cultivators, with another Industry as Chief Employment.		Total of Proprietors.	Total of Tenants.
	Proprietors.	Tenants.	Proprietors.	Tenants.		
					No.	No.
Prussia	117,873	3,807	43,597	2,644	161,470	6,451
Pomerania . ..	39,962	3,762	22,412	2,546	62,374	6,308
Posen	66,932	1,384	13,755	722	80,687	2,106
Brandenburg ..	74,090	1,533	38,910	2,683	113,000	4,216
Silesia	165,013	3,167	71,575	4,520	236,588	7,687
Saxony	65,363	1,193	50,431	2,456	115,794	3,649
Westphalia . ..	62,387	7,314	41,420	8,004	103,807	15,318
Rhine Province ..	161,677	8,134	75,720	6,870	237,397	15,004
State	753,297	30,294	357,820	30,045	1,111,117	60,739

From this Table it will be seen that throughout the whole kingdom, as it existed before 1866, there are only 60,739 tenants (including Crown tenants) to 1,111,117 proprietors—the tenants being therefore about one-twentieth of the total number of farmers. Of these 60,739 tenants one-half are farmers properly so-called, and one-half are cultivators with another industry. Again, of these 60,739 tenants about one-half are in Westphalia and the Rhine Province, about one-quarter in Pomerania and Silesia, and the remaining quarter in the other four Provinces. The proportion of Crown tenants I do not know, but the number of demesnes is about 500.

Relative importance of tenants.

201. In judging of the relative importance of proprietors and tenants as farmers, the number of cultivators having another industry as their chief business can be fairly disregarded, for they are merely cultivators, usually of very small plots of land, for the purpose of providing themselves with potatoes and other vegetables; they are very seldom farmers, or even kitchen gardeners. Then, again, after deduction of the Crown tenants from the farming tenants, another deduction for the tenants on the lands of a tenant for life, of corporations, of commune, and of mortmain should be made. The probability is that nearly all the farming tenants (except, perhaps, a part of those in New Pomerania and the Western Provinces) are to be found on lands which are, for the time, at any rate, practically inalienable, and cannot therefore be sold by the possessors to the farmer. If this be so, or even if a half of the farming tenants be solely on such lands, their importance in the economy of the State is materially reduced, even from the small importance which their numbers had before analysis appeared to give to them. As the desire for land is so great that cultivators are said to prefer buying at even 50 years' purchase, the existence of farming tenants instead of farming proprietors only on lands where the legal relations of the land compel their existence could have been *à priori* assumed, and their existence elsewhere could have been considered as still more exceptional. It would not, therefore, be surprising to find that leases yield a small return only. On the other hand, however, it is stated that the competition for Crown leases (which have hitherto been at a very low rent) has raised the rent. It is also said that in isolated cases a large landed proprietor finds it more advantageous to let his land to farming tenants than to follow the traditional custom of farming it himself, either directly or indirectly by a bailiff. Instances have been mentioned in which one landed proprietor, who adhered to the custom of farming his extensive lands, was contented with a very poor return per acre, whereas a neighbouring landed proprietor had, by letting his lands on lease, obtained a relatively better income at less anxiety to himself. This granting of agricultural leases is, however, usual only under two antecedent conditions, that the landowner has no circulating capital and that the land is in bad condition. Under other conditions the owner farms it himself.

But in Prussia the principle of absolute ownership is too deeply planted, and the desire o owning land is too intense to warrant any expectations of the system of agricultural leases acquiring great importance in the economy of the State; and the custom of farming one's own land, even on the largest estates, is too widespread for the totally different system of cultivation by agricultural leases to gain much ground. Yet, under pressure of poverty on the side of the large landowners, and under pressure of population on the part of the cultivators, such a system may increase, if the landowner refuse to alienate his lands.

Rents.

202. Another point must be briefly noticed. The law recognizes rent in kind, either of a fixed amount or of an amount proportional to the gross produce. There is no information in officially-published statistics as to the extent to which this recognition of the law is requisite. But the general opinion is, that rent in kind of a fixed amount has now become practically rent in money, and that rent in kind of a proportionate amount is seldom stipulated. The record of personal observation in the fifth part of this report will, perhaps, render it possible to form some idea of the existing relative importance of each system. It may, however, be now noted that the custom of letting land on an agricultural lease with complete live and dead stock, but with a fixed rent, was formerly widely spread, and this kind of lease gave the holder a position between that of a bailiff and a tenant in our meaning of those terms. If the rent of such a lease were not fixed, then it became an example of a species of the *métayer* leases. Now, the large landowners farm through bailiffs who have generally full powers; and except as regards outlying farms, or in isolated cases, as above mentioned, they seldom let land on any kind of agricultural lease.

These figures and remarks will show how rarely, in comparison with England or Ireland, the law of landlord and tenant is required. An inquiry into the rents and covenants of agricultural leases will be found in the subsequent parts of this Report.

Eviction.

203. With regard to eviction, there appear to be no collected statistics; but so far as my information goes, eviction is seldom used. It will not, however, be forgotten that even when resorted to, its use is accompanied by various judicial incidents, except apparently in the case of Crown tenants.

Leases on public bidding.

204. This part of the subject cannot be closed without reference to the custom which prevails of granting agricultural leases on public bidding. The Crown, municipalities, and charitable institutions seem to always adopt this plan.

Tenants near Bonn

205. Nor would it be fair to leave unmentioned the fact, according to Dr. Hartstein's work on Bonn in 1850, that in the Bonn District, where the division of land is great, and agricultural tenants are comparatively frequent, the tendency had been to reduce the leases from six or twelve years to three years, leaving the tenant, however, perfect freedom in his agricultural activity. He also writes that the letting in small portions of large estates has become more frequent, inasmuch as, on the one hand, the landowners found that the small cultivator paid a better rent, *cæteris paribus*, than the large farmer, and as, on the other hand, the landowner obtained a better income by thus letting, than by himself farming the lands. He concludes with this remark:—"That, as regards the reproach usually made to small holdings that the gain from them is relatively smaller than from other holdings, it is not applicable to the Bonn district; for the rents of the agricultural leases, and the selling prices of landed property are in it considerably higher than in other neighbourhoods, so that it must be inferred that the lessee or buyer of small holdings can obtain comparatively larger returns from the soil."

(*e.*)—*Results of the Laws of Real Credit.*

206. These results are mainly of a nature not to be embodied in figures and belong also in a great measure to the subsequent portion of this Report. But it will be desirable to give here statistics and other information which is forthcoming for sketching, however imperfectly, the facts which are in direct connection with the laws of real credit

(*a.*)—*Results of the Facilities of Transfer of Land.*

207. Such facilities tend to improve the value of land, but the results of such facilities are not to be measured by figures. It is true that, to a certain degree, facilities of transfer will determine the increased or decreased use of the free exchange in land. If transfer be difficult, the influence of laws promoting free exchange in land will be diminished. But, the existing facilities of transfer having been ascertained, the amount of free exchange in land will be in an indeterminable measure owing to those facilities. The measure of the result is indeterminable, because it is included in the results from the laws promoting free exchange. Accordingly, the results of the laws granting absolute property in land, and of the dismemberment legislation as given in former sections of this Report, and the results of the free exchange, apart from those special causes, must be looked to as containing any

special result from the existing facilities of transfer. On the results of the free exchange it is impossible to offer—at any rate now—much information. The practicability of free exchange is a good thing, but the excessive use of it will become a bad thing. It has for instance, been calculated that in Silesia an aggregate of acres of land, equivalent to the entire property in land, changes hands in a little over twelve years. This calculation is founded upon the observed fact that in 1860—

Sales of land in Silesia.

	No.	Acres.
Privileged estates	3,256	4,398,166
Other large estates	308	191,910
Total estates of both kinds	3,564	4,590,076

were sold; upon the proportion of 5 per cent. in number, and 6 per cent. in acreage which they bear to the total number of such properties, and the total area in Silesia; and upon the exclusion of inalienable lands from the computation. Now this rapid change of ownership has its good side, for it indicates that the large properties were not in the hands of possessors of sufficient capital and that it was necessary they should pass into more monied hands. On the other hand it has its bad side, for it is obviously unfavourable to the best development of agricultural resources. Another rapid change of ownership has been mentioned, viz.: in the Province of Prussia where, within the last thirty or forty years that change has been frequent. It has also been noticed that in that Province scarcely fifty families of the landowners of a hundred years ago remain in possession of their lands. But the ravages of war are to some extent responsible for this fact.

Whatever result facilities of transfer may have had in increaaing the value of land, it is impossible to attempt to estimate it, but so far as it is connected with that increased value it can be judged of from the reference to the value of land in the subsequent part of this Report.

(β.)—*Results of the Mortgage System.*

Estimate of mortgage debt.

208. If one glance before considering the results of the mortgage debenture system at the results of the mortgage system in general, there is practically nothing to meet the view. The results have occurred but they are unrecorded. Dr. Mascher has, however, estimated, without details, the value of the land of landed estates in Prussia at 675,000,000*l.* sterling, and the amount of mortgage debt thereon at from 337,000,000*l.* to 375,000,000*l.*, or about one-half. Of this total, the mortgage debenture institutions find about 21,000,000*l.* and the savings' banks find about 1,500,000*l.*, so that other private lenders find the remainder of from 335,000,000 to 353,000,000*l.* This estimate of the proportion of land debt to land value is probably not excessive, but, on the contrary, moderate. For in 1857 it was ascertained that the proportion of land debt in the provincial districts of—

	Per cent.
Königsberg was	62
Marienwerder	56
Bramberg	68
Köslin	70
Frankfort	63
Oppeln	68

of the estimated value. The land debt is less in Saxony partly from want of facilities, for at that time there were no land credit institutions.

Debts of privileged states.

209. There are also some partial statistics for the years 1837, 1847, and 1857. The following Table contains them :—

MORTGAGE Debt of Privileged Estates in certain Departments.

	Apparent Value.			Mortgage Debt.			Per-centage of Debt.		
	1837.	1847.	1857.	1837.	1847.	1857.	1837.	1847.	1857.
	£	£	£	£	£	£	Per cent.	Per cent.	Per cent.
Neidenburg	50,226	98,051	170,991	32,334	68,982	127,036	64	70	74
Konitz	108,419	178,390	250,542	62,318	124,667	190,442	57	70	76
Coirsitz	264,322	335,673	447,004	220,767	362,533	375,993	84	108	84
Lauenburg	114,275	242,029	319,254	129,825	227,633	284,223	114	94	69
Sternberg	292,688	393,195	474,938	197,900	283,495	246,414	68	72	73
Rybrick	204,443	274,356	397,823	181,608	250,910	337,436	89	90	85

The lands of which the value is given in this Table are privileged lands. It will be observed that the mortgage debt has always increased, and in three departments has increased at a greater ratio than that at which the value has increased. In the province of Saxony also the relations of land debt have become better known, in consequence of the publi-

cation of a memorandum in 1858 by the provincial administration respecting the creation of a new credit institution for landed property. The following Table will give the information in respect of Privileged Estates :—

Provincial District.	Value.	Debt.	Number of Estates.					Total.
			Free from Debt.	To ¼.	To ½.	To ⅔.	To Value.	
	£	£						
Magdeburg	5,559,414	1,395,692	129	64	97	48	18	356
Merseburg	6,930,357	1,429,753	276	58	117	51	35	537
Erfurt	1,820,491	386,930	97	53	49	19	9	227
Total	14,310,262	3,212,375	502	175	263	118	62	1,120

On this Table it may be remarked, that more than a half of the properties are mortgaged, and that about one-sixth are mortgaged to more than one-half of the estimated value. The aggregate result, that the mortgage debts scarcely exceed the fifth part of the value—is more favourable than Dr. Mascher's estimate for the Kingdom. Hence landed property in some parts of the monarchy must be in debt to more than half its aggregate value.

Debt of peasant properties.

There are further some partial statistics in respect of present properties. In the provincial district of Marienwerder in 1860, peasant properties belonging to some 104 localities were mortgaged to the amount of 270,000*l.* and were sold for about 450,000*l.* In five localities the debt was greater than the proceeds; in fourteen it exceeded three-fourths; in forty-one it was from one-half to three-fourths; in thirty it was from one-fourth to one-half; in seven it was less than one-fourth; and in seven there was no debt. In forty-four localities of the district of Mewe, 321 peasant properties were mortgaged for 175,000*l.* and were sold for 275,000*l.* The proportion of debt was as follows :—

Free from debt	53
Mortgaged to ¼	31
Mortgage paid ¼ to ½	66
„ ½ to ¾	62
„ ¾ to all	63
„ to value	46
Total	321

As regards their debts according to size and value, it appears that of these peasant properties the value and debt were as follows :—

In respect of.	Acres.*	Value.	Debt.
		£	£
8 with from	200 to 960	37,000	19,500
36 „	100 to 200	79,000	46,500
50 „	13 to 20	10,500	4,700
35 „	6 to 13	5,500	3,750
129			

The remaining peasant properties are mixed up the one with the other and are not available for 'this separate' treatment. For peasant properties of which the lands lie together, there are in respect of the Province of Saxony for 1858 similar statistics to those for privileged estates, as in the following Table :—

Provincial Districts.	Value.	Debt.	Free from Debt.	In Debt to ¼.	From ¼ to ½.	From ½ to ⅔.	From ⅔ to Value.	Total.
	£	£	No.	No.	No.	No.	No.	No.
Magdeburg	15,788,511	2,246,570	7,214	4,053	2,178	537	465	14,477
Merseburg	15,977,058	2,8[illegible],423	7,193	5,657	3,737	967	794	18,348
Erfurt	1,881,570	438,502	1,103	910	995	260	300	3,568
Total	33,647,139	5,510,495	15,540	10,620	6,910	1,764	1,559	36,293

It may be remarked upon this Table that the proportion of debt to value is less than in the corresponding Table respecting the privileged estates in Saxony. If this hold true of

* In the original the sizes are in "hufen." The "hufe" is here taken at 30 morgen or 20 acres. *Vide* definitions and terms.

the rest of the Monarchy then the privileged estates would appear not only to be on the whole mortgaged to more than half the value, but also to be in some parts of the Kingdom mortgaged for much more than half their value. But these partial statistics offer no sufficient standpoint for forming an opinion on this or any other point of interest in connection with the land debts in Prussia.

These few statistics on the mortgage system will, however, give a restricted indication of the facts which accompany the law of mortgage.

(γ.)—*Results of Compulsory Sale at Law.*

210. The statistics on the results, or rather the accompanying facts of the law on this subject are imperfect. In 19 judicial districts 67 privileged estates and 2,038 peasant estates were in 1854-56 sold by compulsory sale, and the yearly average was 22 privileged estates and 678 peasant estates. For the Province of Saxony the statistics are more complete. Of the privileged estates there were thus sold—

In 1852..	..	..	4	In 1855..	..	1
1853..	..	..	4	1856-57	..	None
1854..	..	..	1			10

Of the peasant estates there were sold—

In 1852..	..	..	59	In 1856..	..	89
1853..	..	..	88	1857..	..	75
1854..	..	..	101			509
1855..	..	..	97			

These statistics do not, however, enable one to form any idea of the compulsory sales at law of estates throughout the Kingdom or even to obtain any idea of how far the peasant properties are sold in this manner. But the year-book of 1858 of the Agricultural Board gives a more complete summary of the compulsory sales at law.

	Number of Compulsory Sales at Law carried out, in respect of—		
	Privileged Estates.	Other Country Properties.	Town Properties.
1858	79	3,158	1,904
1859	64	3,306	1,850
1860	66	3,651	1,999
1861	46	3,295	1,761
1862	24	2,741	1,251
1863	19	2,584	1,538
1864	33	2,863	1,651
1865	41	3,257	1,790
1866	54	3,784	2,098
1867	77	5,333	3,200
Total ..	503	33,972	19,042
Yearly average ..	50	3,397	1,904

The privileged estates numbered, in 1866, 12,150, and out of these the large proportion of 503 was sold in this period 1858 to 1867, or in the ratio of 1 to 24. The non-privileged estates, *i.e.*, peasant and other properties exclusive of town properties, seem to have numbered in 1858, 2,172,000 and out of these the smaller proportion of 33,972 was sold, or in the ratio of 1 to 64. After all due allowance for the greater frequency of private sale in the case of small and especially very small properties, does the comparison of the two ratios warrant the inference that privileged estates are sold more frequently than peasant and other properties?

As to sales for division.

211. The following Table from the same source is also interesting. It includes, however, only two judical Departments :—

	Number of Compulsory Sales at Law in the 'Kammergericht' and the Department of Posen in respect of—							
	Privileged Estates.		Other Country Properties.		Town Properties.		Total.	
	For Debt.	For Division.	For Debt	For Division.	For Debt.	For Division.	For Debt.	For Division.
1858 ..	16	..	279	32	296	53	591	85
1859 ..	15	..	310	32	266	42	591	74
1860 ..	17	3	380	39	357	50	754	92
1861 ..	9	..	345	39	264	52	618	91
1862 ..	5	..	248	36	248	46	501	82
1863 ..	12	..	255	39	267	34	534	73
1864 ..	8	1	250	36	221	66	579	97
1865 ..	5	1	296	27	414	57	715	85
1866 ..	8	2	363	25	445	33	816	58
1867 ..	5	..	492	46	710	57	1,207	103
Total ..	100	7	3,218	343	3,588	490	6,906	840

From this Table it will be seen that of the privileged estates compulsorily sold one-fifteenth were sold for reasons of division, and of the peasant and other landed properties more than one-tenth were sold for reasons of division. It is rather curious to find that the larger proportion of peasant and other landed properties should be approached so nearly by that of privileged estates which were sold for reasons of division on inheritance. This fact is contrary to what one would have expected, for one would rather have expected to find a wider difference between the ratios. It may also be noticed as a collateral fact that the sales by reason of division on inheritance reached to one-seventh of the sales of town plots and sites. The reason probably is the fact that in the towns the custom of equal division of property amongst the children has long obtained. Of two other judicial districts it is known that of the total number of landed properties compulsorily sold, 4,336 were sold for reasons of debt, and 350 for reasons of division on inheritance, being about the same proportions as in the former two judicial districts.

(δ.)—*Results of Real Credit Institutions.*

212. The form of credit institutions known as the Mortgage Debenture Associations, will be separately treated in the first part of this section. It will there be seen how little information of use for the purposes of this Report is known respecting even credit institutions which have existed for the greater part of a century, and which have a much wider sphere of activity than any other credit institutions. Of the other purely credit institutions very little is known as showing the assistance which they render to agriculture or the proportions in which large and small proprietors avail themselves of that assistance, or lastly the object for which that assistance is requested. But the following paragraphs will contain whatever is at hand for immediate use, and any information which may be subsequently acquired will be embodied in that portion of the subsequent part of this Report, which shall briefly refer to the question of real credit apart from its legislative aspect. In reviewing the legislation affecting credit institutions it will be recollected that the rent-charge banks were noticed, as certainly bringing assistance to real credit, although they were founded for a special object and not for the general object of aiding agriculture in its development of the land.

(1.)—*Results of the System of Mortgage Debentures.*

213. The materials for ascertaining the results of this system are more scanty than those for ascertaining the results of any other important branch of the legislation affecting land. The statistics, however, offer some indications in respect of the system of mortgage debentures. The statistics of the mortgage debentures were assembled in an article by Mr. Brämer, in the "Prussian Statistical Journal," and extend only from 1805 to 1865. It is not, therefore, possible to offer any indication of the working of these Mortgage Debenture Associations in the past century.

The first Table shows the amount of Debenture Debt in 1805 and in each succeeding tenth year to 1845, and the amounts for 1850, 1859, and 1865. The figures are not quite complete, but they suffice for the present purpose:—

Year.	Amount.	Increments.	Rate of Increase.
	£	£	Per cent.
1805	8,083,746	..	..
1815	9,482,142	1,348,396	16
1825	12,639,309	3,157,167	33
1835	15,205,665	2,566,356	20
1845	16,268,709	1,063,044	7
1850*	17,799,613	1,530,904	9
1859	19,890,451	2,090,838	12
1865	25,914,155	6,023,704	30

The second Table shows the issue and redemption of mortgage debentures in similar decimal periods from, from 1815 :—

	Issue.	Redemption.
	£	£
1815–25	4,001,066	629,028
1825–35	3,455,350	884,335
1835–45	2,987,893	1,933,577
1845–55	4,267,892	1,898,252
1855–65	9,219,889	1,949,852
Total, 1815–65 ..	23,932,090	6,495,044

The third Table gives the maxima and minima of quoted prices every tenth year :—

	East Prussia.		West Prussia.		Posen, 4 per Cent.		Posen, $3\frac{1}{2}$ per Cent.		Pomerania.		Kur and Neumark.		Silesia.	
	Highest.	Lowest.	Highest.	Lowest.	Highest.	Lowest.	Highest.	Lowest.	Highest.	Lowest.	Highest.	Lowest.	Highest.	Lowest.
1815	91	$69\frac{1}{4}$	$89\frac{1}{2}$	$64\frac{1}{2}$	..	..	..	..	$102\frac{3}{4}$	$95\frac{1}{2}$	102	$93\frac{1}{2}$	99	$81\frac{1}{2}$
1825	$92\frac{3}{4}$	$86\frac{3}{4}$	$90\frac{3}{4}$	$85\frac{3}{4}$	97	$89\frac{3}{4}$	..	..	$101\frac{3}{4}$	$100\frac{1}{4}$	103	$100\frac{1}{4}$	$105\frac{1}{4}$	$102\frac{1}{4}$
1835	$102\frac{3}{8}$	$100\frac{3}{4}$	$102\frac{5}{8}$	$100\frac{3}{4}$	$103\frac{1}{4}$	$102\frac{1}{4}$	..	..	$106\frac{1}{2}$	$104\frac{1}{2}$	$106\frac{3}{8}$	$100\frac{1}{8}$	$107\frac{1}{8}$	$105\frac{3}{4}$
1845	$100\frac{1}{4}$	$96\frac{1}{2}$	$98\frac{3}{4}$	$96\frac{1}{4}$	$104\frac{1}{2}$	$101\frac{1}{2}$	$98\frac{3}{4}$	94	$100\frac{1}{4}$	97	$100\frac{1}{2}$	97	100	$96\frac{3}{4}$
1855	$94\frac{3}{4}$	$90\frac{3}{4}$	92	$87\frac{1}{4}$	$102\frac{1}{2}$	100	$94\frac{3}{4}$	$91\frac{1}{2}$	$99\frac{1}{2}$	92	99	$96\frac{1}{2}$	94	$91\frac{1}{4}$
1865	86	$80\frac{1}{4}$	$85\frac{1}{2}$	$80\frac{1}{8}$	$103\frac{1}{2}$	103	$97\frac{3}{4}$	$95\frac{1}{2}$	$85\frac{5}{8}$	$82\frac{1}{2}$	$87\frac{7}{8}$	$82\frac{5}{8}$	93	$87\frac{3}{4}$

The last Table gives the amount of arrears of interest in the same tenth years :—

	East Prussian Association.	West Prussian Association.	Posen Nobles' Association.	Pomeranian Association.	Kurmark and Neumark Association.	Silesian Association.
	£	£	£	£	£	£
1815	238,995	No return†	..	12,024	3,702	88,249
1825	136,111	„	389	10,573	2,923	50,592
1835	14,274	28,987	10,878	8,228	1,181	44,375
1845	688	1,275	1,276	3,827	995	6,270
1855	238	39	7,673	108	204	1,484
1865	3,662	198	No return	245	493	6,363

Distribution of debenture debt.

214. Mr. Brämer remarks that, of the total of debenture debt in 1865, the sums of 131,392*l.* in West Prussia and of 379,670*l.* in Silesia, were owing by the lands of peasants and yeomen, and that the far greater portion of the remainder, about 25,500,000*l.*, was owing by privileged lands. But, he adds, it does not follow that the owners are really indebted to that amount, for many landowners are in possession of their mortgage debentures. The debt of the peasant lands is insignificant, and the debt of the privileged lands a relatively small proportion of the value even of the mortgaged lands. It will, however, be remarked that the total debenture debt increased after twenty years by more than 50 per cent., after forty years by 100 per cent., and after sixty years by more than 300 per

Its increase.

* From 1850 all the existing Associations, except the Saxon, were in operation. The year 1859 is selected because, from that date there has been a rapid increase of the Mortgage Debenture Debt.

† In 1814 it was 288,445*l.*, and in 1827, 199,912*l.*

cent. If it be assumed that the quantity of privileged lands has not been diminished and that they have trebled in value, then the ratio of debt is the same now as in 1865. But was that ratio relatively moderate in 1865, or on the other hand are these assumptions correct? The general opinion seems to be that the privileged lands are deeply in debt; and it is a fact that they have been and are passing from the possession of the nobles to the possession of capitalists and others. The great increase of the mortgage debenture debt in the period of 1855–65 is remarkable, and the more so when considered in connection with the figures of the second Table for the same period.

The editor of the "Statistical Journal" refers to the fact that about that time the rules of the Mortgage Debenture Societies were altered so as to permit of the issue of debentures to a further increase of 10 per cent. of the previous limits of credit, but seems to think that that cause alone is not sufficient to account for it. The increase of debt is not only in respect of lands on which debentures can be issued, but also of other lands. The inquiry into the question of land credit and land debts, as such, belongs rather to a subsequent part of this Report. If the sudden increase of debentures in the years 1859–65 be compared with the increase in 1850–59, it results that whereas in the earlier period the annual increase was about 230,000*l.*, in the later period it was as much as 1,000,000*l*, sterling. Now, if 10 per cent. be allowed (on the assumption that former mortgagors fully availed themselves of it) for the enlargement of the limits of credit, then the difference between the annual increments is still about 500,000*l.* sterling. But whatever that may mean, the increase in the issue of mortgage debentures shows the expansiveness of these institutions. Then comes in the disturbing element of market value, and after every allowance for difference in the prevailing rate of interest in the money market, it seems that these debentures are not in as good a position as they were twenty and thirty years ago.

From 1865 to 1868 the issue of debentures has increased by 2,700,000*l.*, being an annual increase of 900,000*l.* This annual increase is in excess of the annual increase from 1859-65 by 250,000*l.*, after allowing in both for the full use of the enlargement of credit.

215. The present (October 28) prices of mortgage debentures are as follows:—

Denomination.	Interest.	When next Due.	Quotations.	Interest on Investment and on Mortgage Loan.
East Prussian	4	December 1	78	5·24
West Prussian	4	December 1	80½	5·03
Posen (New)	4	January 1	81½	5·00
Saxon	4	January 1	81	5·02
Silesian	4	December 1	None*	..
Westphalian	4	December 1	78½	5·05
Kur and Neumark	4	January 1	80	5·04
State loans	4	April 1	83 to 84	4·85 to 4·75

The price of the Prussian 4 per cent. State loans has been added for comparison. It is only fair to notice that throughout the period to which the preceding statistics have belonged, the prices of the mortgage debentures were higher that the price of the corresponding Prussian stock. Now, however, the Prussian stock has the advantage.

Mortgage debt in Silesia.

216*a*. As to the proportion of debt to value of land and property in Silesia, Dr. Mascher has, by a detailed estimate of the increased value of land and of the increased value of cereals, &c., arrived at the conclusion that to the year 1862 the increased mortgage debenture debt is not in proportion to those increased values, and that the difference is 49 per cent. in favour of the land now. He attributes this favourable result to the principle of the sinking fund. No doubt that principle has been very beneficial.

The Debenture Associations.

216*b*. It is usually stated that these institutions could still considerably extend their loans on mortgage without endangering their solvency. But unless the above prices in their fall below par represent only the difference between the market rate of interest and the fixed rate attached to the debentures, this would scarcely seem to be the case. It is generally acknowledged that their principles of valuation require improvement, and that all the institutions require many a reform. From their varying legal incidents these institutions cannot be centralized, and cannot therefore receive any benefit there may be in centralization. But, although they need reforms and adaptations to the changed monetary conditions of the age, there is no doubt that they have been of essential service to both the large and small landed proprietor (but chiefly to the former) within the sphere of their

* This price is about 85.

operations. The capitalists have gained also by them. By buying the mortgage debentures they have safely invested their capital with the security of land at the current rate of interest without the disadvantage of imperative investigation into titles and value of the land, and of frequent recourse to legal proceedings for calling in their loans. Yet, however great has been the benefit formerly derived from these institutions and however great may be the present benefit, it is universally admitted that they are far from meeting the existing conditions of real credit.

It is much to be regretted that the statistics at hand do not offer any indications for answering many important questions in this branch of the inquiry, such as those relative to the size of the smaller mortgaged properties, of their number, of their compulsory sale, of the object of the loans obtained, &c. To collect such information would require a considerable time, but it is hoped that some information of the kind will be obtained for insertion in a subsequent part of this Report.

(2.)—*Result of Rent-Charge Banks.*

217. Rent-charge banks have been established at Berlin, Breslau, Königsberg, Magdeburg, Münster, Posen, and Stettin. The result of the establishment of these banks in facilitating the commutation of real charges and services and of rights of common, is so obvious and has been so manifest in the course of inquiry into the results of those kinds of commutation that it requires no further notice.

The following Table may, however, be added for the purpose of showing the business which has been transacted to October 1865, by the rent-charge banks:—

Banks.	To October 1865 the Rent Charges undertaken were					The Commutation Debtors have received.			Capital paid back.	Debentures paid off.	The Commutation Creditors have received in Debentures in lieu of 18 years' Capitalization.
	To $\frac{9}{10}$ths of the full Charge.		Total.	To Amount of Full Charge.	Total of both forms of Rent Charge	In Rent Charge Debentures.	In cash.	Total.			
	From the Crown.	From Private Individuals.									
	£	£	£	£	£	£	£	£	£	£	£
At Berlin	5,389	63,359	68,748	7,599	76,347	1,677,757	1,958	1,679,715	54,675	181,988	102,784
Breslau	5,529	175,931	181,460	2,333	183,793	4,068,403	4,059	4,072,462	76,489	383,139	110,534
Königsberg ...	541	39,425	39,966	1,912	41,878	924,920	1,394	926,314	10,962	76,380	10,820
Magdeburg ...	13,042	34,020	47,062	17,252	64,314	1,411,099	1,978	1,413,077	52,339	163,641	280,840
Münster	32,199	16,514	48,713	9,939	58,652	1,279,584	1,686	1,281,270	31,303	128,805	649,369
Posen	155	73,498	73,653	4,355	78,008	1,722,067	1,685	1,723,752	6,732	138,061	3,103
Stettin	1,550	36,008	37,558	1,898	39,456	871,615	965	872,580	16,529	81,502	30,990
Total	...	...	...	...	...	11,955,445	13,725	11,969,170	249,029	1,153,516	1,188,440
Sinking Fund Societies at Paderborn ...	...	...	...	...	...	304,162	436	304,598	42,653	150,233	...
In the Eichsfeld ...	...	...	...	...	...	171,896	...	171,896	8,785	29,552	...
Total	59,405	438,755	497,160	45,288	542,448	12,431,503	14,161	12,445,664	300,467	1,333,301	...

It will be recollected that commutation debtors had the faculty of offering the capital down at eighteen years. From this Table it can be seen to what extent the commutation creditors refused to accept the payment of that capital. They declined the offer to the amount of two-fifths of the capital thus paid, and consequently received rent-charge debentures in its stead. It will be noticed that to 1865 the banks had paid out in debentures and cash about 11,969,218*l.* I am informed that the total sums paid out by them to the present date amount to 13,250,000*l.* It will be observed that the mode of sinking fund, in which the remission of the tenth was a feature, was almost exclusively chosen. The other mode was selected for scarcely a twelfth of the whole business. The business of the banks extended to twelve-thirteenths of the total business in rent-charges. It may be added that at the end of 1868, of the 12,782,683*l.* worth of rent-charge debentures issued the amount of 1,711,015*l.* or about one-eighth had been paid off.

It will be remembered that the rent-charge debentures bear 4 per cent. interest. The price for each 100 thalers is now in the market from 84 to 89 thalers.

(3.)—*Results of other Banks and Institutions.*

218. First amongst these are the Savings Banks, for they lend chiefly on smaller properties than the Debenture Associations, claim attention. The following Table shows the amount of their loans on mortgage in the years from 1857 to 1865:—

	On Town Properties.	On Country Properties.		On Town Properties.	On Country Properties.
	£	£		£	£
1857 ..	1,058,519	925,379	1862 ..	2,300,018	2,408,917
1858 ..	1,600,032	1,631,585	1863 ..	2,595,485	2,810,677
1859 ..	1,640,287	1,715,121	1864 ..	2,971,114	3,142,235
1860 ..	1,786,548	1,841,925	1865 ..	3,324,700	3,636,920
1861 ..	2,015,997	2,099,758			

Thus in eight years the aid rendered by these Savings Banks has quadrupled.

219. The following Table shows the results obtained, so far as their loans on mortgage appear in their accounts, by the other real credit institutions which, since the concession of freedom of banking and of commercial association under conditions for the most part common to all countries, have sprung up to assist the landowner and agriculturalist. The Associations are, however, for the benefit of shareholders, who expect usually as good a dividend from their investment as from other forms of investment. These mortgage banks are in fact associations to intervene between the land debtor and the capital creditor with all the advantages of such intervention, but with the disadvantages of having to satisfy the expectations of shareholders. They want the principle of self-help which exists in the mortgage debenture associations, and which could be extended in the institutions of Savings Banks in more or less direct imitation of English Building and Land Societies:—

	Year.	Loans on Mortgage.	Debenture Issue.
		£	£
Schaffhausen Bank in Cologne ..	1864	72,219	..
Silesian Bank at Breslau	1865	57,007	..
Prussian Mortgage Company ..	1866	287,286	133,205
Prussian Mortgage Bank	1865	82,536	..
Total	..	499,048	

The statistics at hand are not sufficiently detailed to allow of including the mortgage loans of the other mortgage body of Companies; but they would be overestimated at another 500,000*l.* It will be observed that the total assistance by these institutions to landed property and agriculture amounts to about 1,000,000*l.* sterling, which is but a small part of the 335,000,000*l.* to 353,000,000*l.* sterling, estimated in the β section of this sub-division to be provided by private lenders, *i.e.*, other lenders than the mortgage debenture associations and the savings' banks.

The foregoing observations have referred exclusively to loans on mortgage, for it is impossible to ascertain to what extent loans not on mortgage but in aid of agriculture are made by these or any other credit institutions.

(*f.*)—*Summary of Results.*

220. The accompanying facts of the laws have been only cursorily, and in some cases defectively, set forth in this sub-division. But the important results of the national agriculture legislation stand clearly out from the results of other legislation by their definiteness. These have been the conversion of the feudally-subjected peasant with more or less imperfect rights of property in land into a perfectly free peasant with absolute ownership of lord subject only to remaining rent-charges for commutation; the conversion of the feudally-restricted land, with more or less perfect rights of property in his lands, into a perfectly independent landowner with absolute ownership of his lands, subject to restrictions from entails only; the abolition of tenures, charges, and services arising out of the old agricultural organization; the relaxation of the system of entails; the extinction of the baneful and almost universal rights of common; the introduction of fruitful principles of consolidation of intersected lands, and of associations, under compulsion if needs be, for land improvements; and the establishment of great freedom of exchange in land. These have been the direct results of these laws. But they alone have not sufficed to give its present prosperity to the national agriculture. Other parts of Prussian legislation have had a more or less direct influence on that prosperity.

221. The accompanying facts of the laws limiting the right to dispose of land show that this limitation is exceptional and of comparatively little influence, and is likely to be diminished in importance. If, too, the system of entails establishes such a limitation, the system of indefeasible heritages not only has an influence in checking the increase of restrictions on the right to dispose of land by such a system, but also a tendency to acquire such an importance as with the collateral working of public opinion against entails to abolish the system in accordance with the Constitution. The laws of intestate succession by the prescription of equal division of land, as well as of other kinds of property, also tend towards this result, for they run counter to any custom of a different division or disposal of property, which may obtain in the directions of a will.

222. The accompanying facts of the law of landlord and tenant show that the agricultural tenants constitute a practically unimportant portion of the national economy,

and that they are mainly found on lands, such as Crown lands and entailed lands, which are not alienable, or in portions of the Kingdom where the yeomanry and peasantry have disappeared, as in New Pomerania and Rügen, under the influence of an unfavourable legal system. Wherever they exist, there seems to be however no trace of the system of tenants-at-will, or of the system of letting farms without the necessary tenements or of the right or custom of resuming possession of the lands without compensation for the erection of the absolutely necessary buildings. On the contrary, wherever agricultural tenants exist, they seem to be in the possession of leases usually of long terms of years; they receive the land with all necessary buildings, and sometimes with all necessary stock and implements; and they, therefore, do not need to erect buildings, and do not require consequently any protection against any custom of summary ejectment without compensation for them. The tendency of the law is to protect the cultivator against the landlord, and it may be safely inferred that Prussian Law would, on the case occurring, extend its protection to the cultivator under the system which often obtains in Ireland. The set of facts accompanying the law of landlord and tenant will not, however, be complete until the more purely agricultural facts are set forth in the subsequent part of this Report.

223. The accompanying facts of the laws of real credit, so far as they could be stated, speak for themselves, and need no further reference until the relations of capital in the agricultural system have been investigated.

224. From the more or less direct results of each part of the legislation reviewed an idea may be formed of its direct action upon the development of agricultural property and of national wealth and welfare. To this aggregate must be added the balance of the indirect action of each part of other legislation in aid of, or in opposition to, such a development as the grand effect of these results. In other words, all the forces set in motion and not merely this or that force must be studied in order to obtain an accurate idea of the resultant; and conversely that resultant must not be attributed to the action alone of this or that force.

(D.)—General Remarks on the Legislation and its Results.

225. At the beginning of this century Prussia commenced a threefold task; she had retained till then the feudal system in some of its most objectionable features. She found her subjects divided into nobles, townsmen, and peasants. Each class was carefully restricted by law from mingling the one with the other in any way whatsoever, and the lands of each class were scrupulously maintained in its possession; thus the landed estates of nobles, of townsmen, and of peasants, were for ever distinct and separate. The noble could not, since a century before this century began, annex the smallest portion of peasant land, but was bound under heavy fines to find a peasant occupant for every vacant farm, and was bound to represent the peasant in all fiscal matters. The noble's position was barely tolerable, and the peasant's position was intolerable. Only in the towns was there the semblance of free life, and indeed from them, as from towns in other countries, were scattered abroad the seeds of liberty and progress. The nation was burdened by the cumbersome system of the middle ages, and writhed in an agony of serfdom and imprisoned force. Prussia, therefore, set herself to the threefold task of a regulation of the property relations of her subjects, of a commutation of the real charges and services upon their lands, and of an extinction of the rights of common which hindered her agricultural progress. In the present year that threefold task is nearly accomplished. The task of regulating the property relations is, after some vicissitudes, quite accomplished; the task of commuting real charges and services has been nearly accomplished; the task of extinguishing rights of common is also nearly accomplished. As regards the regulation of property relations the various degrees of serfdom attached to peasant property were at once abolished, but the various tenures, charges, and services, arising more or less out of the feudal system were not all abolished until after the legislation of 1850 had come into operation. The reactionary declaration of 1816 mainly caused this delay, and even in 1853 there was a slight reaction, for that most prejudicial condition of the 1816 definition of a peasant farm—the condition respecting the land tax—was again attached to the right of claiming regulation. This obstruction was, however, soon removed; and now, to the enormous advantage of descendents of lords and peasants, all privileged lands are the free property of the owners, and all peasant lands the absolute property of peasants,* subject to the yet remaining rent-charges.

As regards abolition of real charges and services these have all been made subject to

* It need not be repeated that in the term peasants ("bauern") were included all landowners not of a town or of a noble family. It is equivalent to peasantry, yeomanry, &c. *Vide* Appendix of Definitions and Terms.

commutation, and have nearly all been commuted. The only charges as yet uncommutable are the ecclesiastical dues of all kinds, which have only been dealt with in Silesia.

As regards extinction of rights of commons, about one-twentieth of the task remains to be done, and the greater part of this twentieth has already passed through the preliminary stages of extinction.

The result of all this legislation is, that land is the absolute property of a large number of owners, that each owner is quite independent of any other owner, and that any other relations between man and land are rare throughout the Kingdom. The various tenures which obtain in England and Ireland exist no longer in their corresponding forms in Prussia, whatever local customs corresponding to gavelkind, borough English and the like, may still remain.

226. The Prussian legislation has been followed by similar legislation in Austria in 1848, and in Russia in 1860, with various deviations; but it cannot be likewise initiated for Ireland. The task of Ireland is an essentially different task. There is a regulation of property relations to be desired; but the property relations of Ireland in 1869 are not those of Prussia in 1807. The feudal system has long ago disappeared. There are no *glebæ adscripti;* there is no prohibition of removal; there are no prohibitions as to exercising callings, or as to acquirement of lands; there are no peasant lands which the lord cannot annex; there are no peasants out of whose families the lord must select heirs for their holdings. On the other hand, there are no lords who must keep peasant holdings tenanted by peasants; who must pay the peasant's taxes; who must support him in destitution; who must build and repair his houses and farmsteads. In a word, there have existed in Ireland to the present day no yeomanry and peasantry who have remained from generation to generation in possession, however imperfect, of lands which could not be absorbed by the lords of the manor or the larger landowners. Moreover, it must be borne in mind that the carefully-protected existence of such a yeomanry and peasantry in past centuries is the antecedent reason of the great success of the agricultural legislation in Prussia.

In Prussia there were (apart from the incidents of the feudal system) large estates farmed by their proprietors, and on and around them were properties of various sizes held by peasants who were under obligations to render certain agricultural services to the proprietor of the large estate. The agricultural labour was, in fact, performed by the more or less perfect peasant proprietors, and the real agricultural labourer was an almost unknown species of human being. In Ireland the case is, for the most part, the reverse of all this. The landed proprietor has no large estate farmed by himself. He has no peasants *settled* in more or less independent properties from whom he can exact agricultural services for the cultivation of his estate, if he desired to cultivate it. He does not, however, cultivate it, but lets it to agricultural tenants, or suffers the descendants of the original peasantry to remain on his land. And the agricultural labourer is, on the contrary, a well-known variety of the human race, upon whom the tenants rely for agricultural labour. The existing agricultural economy of Ireland is thus, for the most part, an antithesis of fact to the agricultural economy of Prussia at the beginning of this century. Moreover, the Irish landed proprietor has neither the obligations nor the rights enumerated in paragraph 47 of this part of the Report. Neither has the peasant the obligations and rights enumerated therein. The cases are by no means parallel.

But if there be no parallel between the two cases, there may be points of contact as well as of divergence. In Prussia the State has simplified the holding of land by abolishing every kind of tenure arising out of the old system. Landed property is always absolute property, and no limited title can be attached to a landed property on its alienation or bequeathal. The tenants for life of estates in *fidei commissa* or of fiefs do not, it is true, exercise full powers of disposal, but the tendency is to abolish those restrictions. The relationship of a large landowner living on his rents and of farmers cultivating his lands as tenants-at-will does not exist. The desire of the cultivator to own land is the same in both countries, but the principle of absolute property in the land for the cultivator is wanting in Ireland. Hence, in Prussia, that desire is satisfied, and in Ireland that desire is unsatisfied. The policy of Prussia has been to give absolute ownership in land to all persons who in 1807 had more or less perfect proprietary or even possessory rights. In some cases that absolute ownership has devolved upon many persons whose rights were of an imperfect nature. The policy of Prussia has also been not to carry the obligation of compensation so far as to offer a gift with one hand and to render it valueless by the imposition of conditions with the other. Hence, in commutation of real charges and services the State struck out all the ascertained amount of commutation in excess of the two-thirds of the peasant farmer's nett income from the land. Otherwise the peasant might have received a valueless gift, and the policy of the State would have been partially defeated.

Supposing it were resolved upon grounds of political economy and upon grounds of

State policy to invest the Irish peasant with absolute ownership on full compensation, there might be several points of contact between the plan which would be followed in Ireland and the plan which has been followed in Prussia. But it would be premature to try to ascertain them now, and they could only be immaturely ascertained in this Report, as a much greater knowledge of the Irish land question is requisite to render such an inquiry useful. It will suffice to recapitulate the leading features of the Prussian plan. The Prussian legislation had, apart from the abolition of the feudal system, for its object the conversion of all land tenures into absolute ownership. It began by fixing the relations of lord and peasant as they then were. It based upon those fixed relations its plan of regulation. It proceeded to ascertain the obligations and rights on the part of the lord and on the part of the peasant. It denied compensation to certain obligations and rights. It awarded compensation to the remaining obligations and rights. It then proceeded either to strike the balance or to provide the method for striking the balance between them. It laid down the principles of compensation. It foresaw the possibility of that compensation amounting to the value of the peasant's income from the land. It, therefore, prevented that compensation from reaching such an amount as to render the peasant destitute and unable to retain his land, and as to thereby defeat the object of State policy. It recognized, at any rate during part of its period, the inutility of investing a peasant with absolute ownership of his land, unless that land were sufficient for his maintenance. It provided a special quick procedure for all questions of regulation and commutation, and it established rent-charge banks to facilitate the transition from the old to the new system. But if, on the one hand, this is what the Prussian plan did do; this, on the other hand, is what the Prussian plan did not do. It did not start from the assumption that the existing relations between lord and peasant were merely contracts at law to subsist at the will of either party or even of both parties. It certainly avoided this narrowly-conceived legal view, and adopted on the contrary a broadly-developed statesmanlike view of the question of the national property relations.

227. As to the extinction of rights of common and to the consolidation of intersected lands, there need be little added to what has been already observed upon those branches of legislation in this report. England might, perhaps, take with advantage a few hints from the legislation on rights of common, but she could certainly with advantage adopt the principle of consolidating intersected lands into compact farms for the object of promoting agriculture. Neither would it be without benefit to follow the example of Prussia in compelling associations for land improvements, and in making the welfare of the nation superior to the private interest of the individual.

228. As to the question of free exchange in land it is evident how much greater the freedom is in Prussia than in England or Ireland. Comparatively little land is withdrawn from free exchange by *fidei commissa* and the like. The law of obligatory heritages tends to break up estates descending to one only of the family. The law of intestate succession recognizes no succession of land in intestacy to the eldest son or the eldest of the nearest degree, but by prescribing equal division for real as well as personal estate, runs counter to any existing custom of primogeniture or other form of singular succession. Title to land, except in the Rhine Province is clearer and less unassailable, and will soon be indefeasible. Transfer of land is simple. The law of mortgage which has already been in advance of the law of many another nation, is to be liberally improved. Foreclosure and public sale are facilitated. Land credit institutions of various kinds have long been in existence, and have been beneficial, although they in great part no longer respond to the wants of present agriculture. By all these, and last but not least by the prevalence of absolute ownership of numerous owners, the free exchange of land is much in advance of that in many other countries.

229. As to the question of agricultural tenants, either in their legal position or in their economical position, the laws of Prussia and their accompanying facts do not offer much of importance for appreciation. But the great economical fact of their paucity is important; the wide spread if not universal custom, of agricultural leases in respect of their holdings is important; and their better position before the law, in respect of eviction and of the general tendency of the law, is worthy of note.

230. As to the question of real credit, the legislation is in Prussia passing through a period of transition. The ancient system of mortgage debentures had done much for landed property, and had been from time to time more or less skilfully adapted to the changed age, but now the times have been too quick for it, and real credit is gasping for breath. The new legislation will give it more room to breathe, but its vitality will depend upon other influences than the influence alone of law. Both from the old laws and the new laws many an useful inference might probably be drawn as to the best manner of dealing by laws of the State with the difficult conditions of real credit. But it would

exceed the scope of this Report, and would disaccord with my imperfect knowledge of this complicated question and of its legal and economical bearings in England to attempt to draw any such inferences.

231. Finally, as to the question of national progress, there can be no doubt that the national agriculture legislation has been immensely beneficial to Prussia. But it must be repeated that all the pæans in respect to Prussian progress should not be sung in honour of the agricultural legislation alone. Yet this has been the one-sided acclamation of some foreign applauders of the Stein-Hardenberg policy. Moreover, under such a one-sided view of the question has lain the inaccurate assumption that the Stein-Hardenberg Edicts said:—Let there be a free agricultural organisation—and there was a free agricultural organisation. The fiat of Statesmen has no such a rapidly-creating power. This creation required half a century, and progressed imperfectly and slowly in the first quarter. Moreover, it by no means follows that because certain phenomena are observed to succeed a given law, therefore the law and the phenomena are cause and effect. Yet too often is the even pre-adamite error repeated—*hoc post hoc, ergo propter hoc*. The case is rather this—that the nation was ready to soar to its present prosperity and to take advantage of auspicious breezes, but was chained to the ground. She was in fact doubly fettered—enchained by the bonds of her agricultural organisation, and enchained by the bonds of widely-prevailing rights of common. The national agriculture legislation severed the former bonds, and gradually loosened the latter bonds; but, had not the nation been ready to soar, the result of that severance would have been a much less conspicuous soaring. The extinction of rights of common has had a very great influence on agricultural progress and must not be ignored. Nor should the influence of land improvements and of auxiliary agricultural legislation, as materially assisting the agricultural progress of the nation, be ignored. Moreover, it must not be forgotten that industrial progress has acted upon agricultural progress, and they have reacted the one upon the other. Nor must the great advantage to the nation and to agriculture of the development of commerce be forgotten. Thus, even the agricultural progress of the nation is not to be attributed entirely to the national agriculture legislation initiated by Stein and Hardenberg. Still less is the aggregate prosperity of the nation to be attributed to that legislation as the great first cause. Side by side with it there advanced a legislation which displaced hindrances in other directions to the increase of the national welfare. Many industrial monopolies both of the State and of private persons were abolished. The industrial field for the citizen's abilities was extended from the close sphere of his town to the open sphere of the kingdom. Several oppressive inland taxes were abolished, and the tariff of customs duties was amended in a liberal sense. Prohibitions of exportation and importation were removed. Important amendments were effected in legislation on social subjects. New discoveries which are quite independent of any possible legislation have been made in this century of invention, and have most effectively contributed in Prussia, as elsewhere, to agricultural as well as national progress. Then, too, it must not be forgotten that Prussia has proportionately shared in the universal increase of national wealth and welfare. It may therefore be truly said that Prussia, by her agricultural legislation, prepared herself skilfully to take advantage of all opportunities for increasing her prosperity, and that without such legislation she would not have been able to avail herself of them. Let the praise be equitably distributed. But neither let it be maintained that the national prosperity of Prussia is to be attributed solely to her agricultural legislation, nor let it be be ignored that that prosperity owes much, indeed, to the great principles which underlie that legislation. Neither let it be advocated to follow blindly the example of Prussia in agricultural legislation, nor let it be ignored that, though her agricultural conditions were peculiar and her details of operation were specially adapted, yet her principles of agricultural legislation may be suitable to promote agricultural and national welfare in other countries.

Part III.—The Agricultural Conditions of Land.

1. The preceding Part has dealt with the more or less purely legislative conditions of land. This Part will deal with the more or less purely agricultural conditions of land. The domain of the one set of conditions is not, however, sharply defined, or distinctly separated from the domain of the other set of conditions. Hence many facts, which are intimately connected with the facts to be investigated in this Part, have been already stated in the preceding Part. Moreover many facts, which are preliminary to the facts to be investigated in this Part, have been already noticed in the first Part. Thus with regard to certain preliminary matters, there is no need to do more than refer the reader

Facts previously stated.

to the remarks* in Part I respecting the territory and population of Prussia, and the comparative as well as the absolute position of her agriculture. But with regard to other preliminary matters it is desirable to set them forth before proceeding to consider the main subject of this part.

(A)—*General Introduction.*

(*a.*)—*The outward Arrangement of Fields.*

Its influence.

2. The outward arrangement of land as estates has been noticed in the historical introduction to the previous Part. The fact of land having been laid out in accordance with certain standards has been incidentally noticed.† And when it is remembered that nearly a quarter of Silesia was partitioned out in accordance with the two standards therein mentioned, it becomes evident that the ancient arrangement of estates has been of much importance in the evolution of agricultural improvements. For the outward arrangement of the farms influenced the arrangements for cultivation, or in other words the outward arrangement of the fields; or conversely, the system of cultivation influenced the outward arrangement. It scarcely needs one to be an agriculturist to understand how the arrangement of a farm for purposes of cultivation might be prejudicial or beneficial to the interests of the national agriculture.

Outward appearances.

3. The ancient outward arrangement of the fields consisted not only in the adoption of the so-called square plans ("Gewanne") and of certain standards of size, such as the "Flämische Hufe," or the "Frankische Hufe," or others, but also in the employment of a certain manner of applying those standards, as regards the standard of size. The ancient and apparently most usual manner was to lay out the land in parallel bands, parallel with much sinuosity if necessary, but each band with an area equal to the standard of size. The length of such a band was frequently twenty-four times its width. The farmsteads were generally placed on each side of a road, thus forming a village of detached houses, which, however, were seldom beyond a stone's throw of each other, and the bands of land started of course from the sites of the farm-houses.

One variety of the square plan, which was no doubt Polish, but often found in German land, was to place the farm-houses around a large more or less circular open space, instead of along a road, and divide the district into square fields for each step of rotation, and then subdivide these fields amongst the proprietors according to their rights. Another variety was, after laying out the lands in the square fields, to subdivide them in straight parallel bands, according to the claims of the farm proprietors, and to place the farm-houses in a regularly built village, also apart from their lands.

If these facts be seized, it will be easy to conceive what appearance is offered by the outward arrangement of the farms in those numerous parts of the country, in which this system has obtained. Dr. Meitzen has inserted several plans of farming villages in his official work, but they cannot of course be reproduced here. As these narrow bands were often an English mile long and scarcely 150 yards wide, no division in length was practicable. Hence the system of cultivation was carried out by division in width. As regards change of ownership, a farmer desirous of acquiring more land would naturally prefer to acquire the lands next to his own band. This was not unfrequently accomplished, so that farms with land of a width approaching to its length are to be found. But in some districts the subdivision of each farm, and the dispersion amongst different owners of the portions were so great and irregular, that a map of any one of these presents a most confused appearance. Of one of these (Domnowitz) Dr. Meitzen writes as follows, "The peasants declared in 1806 (?) that the intermingling of more than 1,200 parcels of land was so great that in respect of this or that bit, no one amongst them was able to say 'to whom it belonged;' and that several times a bit belonging to one person had been by mistake manured by a second, and then sown and reaped by a third person. They further declared that owing to the reciprocal necessity of passing lengthways or widthways, over such parcels, an extraordinary quantity of seed and cereals was destroyed or spoiled." Another characteristic was the subdivision of the farm into twelve parts. The systems of land division which have been just described have been more fully investigated in Silesia than elsewhere, but are almost universally if not universally characteristic of the ancient colonization of the German and many of the Slave territories now forming the Kingdom of Prussia. The former, as well as the latter, system was also followed by imitation in the laying out of lands for subsequent occupation. As it was not the practice to mark out fixed accommo-

vils of subdivision.

* *Vide* paragraphs 7, 11, 16, 17, 29, 31, and 32 of Part I.
† *Vide* paragraph 6 of Part II.

dation roads or to lay out the ordinary roads with a view to such accommodation, the prejudicial arrangement of the fields was obviously more prejudicial than it need have been. In some measure the agricultural disadvantages of that arrangement were lessened by the so-called field compulsion "Flurzwang," by which the dilatoriness of one individual was not permitted to prejudice the interests of another individual. Hence, whoever had not in the proper time reaped his field was obliged to allow the flocks of the community to pass through his crops. Hence each farmer of the district was compelled to follow a regular style of farming, so that all the fields destined for this or that purpose should be ready at the fixed time. This may not have been without some advantage in the days when agricultural science was an infant and traditional rule of thumb was a king, for it at any rate compelled the lazy farmer to be equal in his activity to the pushing farmer. But on the other hand it is easily conceivable into what a bondage this system threw all farmers in the modern days, who had obtained a little agricultural knowledge. The three field system of cultivation was nearly universal, but the two, four, and five field systems obtained in some parts of the monarchy. But whatever the plan of rotation was, the cultivation of corn was in excess, and the rotation being regardless of the qualities of the soil was seldom without prejudice. Then the general system of cultivation caused other agricultural losses, amongst which may be named the deterioration of the soil and the waste of manure.

Changes by consolidation.

4. It will be desirable, whilst referring to the outward arrangement of farms, to refer to the changes effected in such an arrangement by the operation of the compulsory consolidation in connection with the commutation of rights of common. The districts of Grossengottern and of Alterngottern in the province of Saxony, which have been referred to in paragraph 169 of the previous part, and which constitute an extreme example of subdivision, may be taken as typical of the important and beneficial alteration thus effected. The following details will give an idea of the outward arrangement before the consolidation, and a line will then give an idea of the result of the consolidation.

	Acres.	In Parcels.	Averaging.
In Grossengottern.			Acres.
3 Privileged estates	989	860	1·2
2 Parsonages, 4 schools, 2 churches ..	200	250	0·8
Communalty	258	90	2·8
906 Peasant farmers	2,759	13,200	0·2
328 Proprietors residing out of the district.	349	1,700	0·2
Total	4,555	16,100	0·3
In Alterngottern.			
2 Privileged estates	1,089	900	1·2
1 Church, 2 parsonages, 3 schools. ..	130	220	0·6
Communalty	41	40	1·0
727 Peasant farmers	2,577	17,200	0·15
123 Proprietors residing out of the district.	232	560	0·4
Total	4,068	18,920	0·2

Now, it requires no special remark to point out the prejudicial effect on agriculture of such an outward arrangement of the land, both from the number of separate holdings of one owner, and from the diminutive average size of these separated holdings. The result of the consolidation can be comprehensively stated thus:—After consolidation the 16,100 parcels in Grossengottern became 1,594 holdings, and the 18,920 parcels in Alterngottern became 913 holdings! Some interesting details with regard to similar beneficial alterations of the outward arrangement of fields in a few other districts also exist in Dr. Meitzen's official work and elsewhere, but need not be added to those given of the districts of Grossengottern and Alterngottern.

5. In concluding this cursory notice of this subject, it may be remarked that the perpetuation of the ancient arrangement of fields, and the minute subdivisions of the divisions of that arrangement are in some measure owing to the original laying out of the land; for, as has been seen in the rapid sketch of the outward arrangement of farms and fields, the square plan caused much subdivision at the very beginning, and the standards of the "Flämische Hufe" and "Frankische Hufe" were too small after the tripartite division to bear much subdivision. Then it is to be supposed that, in a district subject to the square plan, if the proprietors wished to change their system of cultivation, they would do so by agreeing to give up the main idea of the ancient division, and by subdividing as might be necessary the subdivided portions they then held. A process of this, or of a

similar nature, would help in addition to equal division on inheritance to account for the minute subdivisions of such a district for instance as Domnowitz, referred to in a preceding paragraph (3).

(*b.*)—*The Unproductive and Productive Area.*

Unproductive area.

6. The proportion of unproductive to productive area is obviously a fact to be ascertained at the outset of an inquiry into the agricultural conditions of land. In the course of this Report, it has been several times mentioned that the total area of Prussia is 71,523,629 acres. This area was exclusive of the water surface along the shores of the Baltic. The following deductions for agriculturally unproductive area, being scarcely 5 per cent of the total area, must also be made :—

	Acres.
For water surface ("Wasserstücke") such as swamps, &c., and some inland lakes, assessed to land tax as yielding a return, however small	1,160,545
For water ways, as navigable streams	266,667
„ including other waters	195,428
For waste land ("Oedland"), such as chalk and clay pits, &c., yielding a return of some kind	95,802
For barren land ("Unland"), yielding no return whatsoever	164,612
For way land ("Wegeland"), *i.e.*, railroads, roads, &c., including cemeteries	1,552,417
Total	3,435,471
There will therefore remain	68,088,158

Productive area.

7. This area is from the agricultural point of view the more or less productive area to be subsequently examined. But from it must in the next place be deducted the area of land occupied by buildings aud by gardens attached to houses. This area seems to be about 716,000 acres, so that the productive area for cultivation will be about 67,372,158 acres. This agriculturally productive area is thus composed :—

	Acres.
Arable land ("Ackerland"), chiefly used for cereals	36,758,715
Vineyards	31,199
Garden land ("Gärtenland"), *i.e.*, land for cultivation of vegetables, fruits, commercial plants, flowers, &c.	488,076
Meadows ("Wiesen"), *i.e.*, grass land which is usually mown	6,805,292
Pasturages ("Weiden"), *i.e.*, grass land which is usually grazed	5,424,783
Wood land ("Holzungen"), including all land which mainly grows wood or timber	17,864,093
Total	67,372,158

One remark only is required upon the foregoing calculations. The bracketed German terms are the technical terms to which the law of the land-tax has attached the definite meanings which are here given. Vineyards have been separated from "garden land," but are usually included therein.

It is unnecessary, at this preliminary stage of the agricultural part of the inquiry, to show province by province the proportions of each kind of surface forming the aggregate of unproductive and productive area. But the proportions in the monarchy may be now stated :—

Arable land	40·9	Wood lands	34·0
Vineyards	0·5	Way land	2·2
Garden land	0·5	Water surface	0·6
Meadows	9·5	Buildings, &c.	0·7
Pasturages	11·1		100 0

The water ways, waste land and barren land are not sufficiently large to enter into the preceding calculation.

(*c.*)—*The Classification of Productive Land.*

8. By this classification is meant the classification adopted for levying tne land-tax. It is desirable to briefly notice this classification, as it will be of material assistance in the course of the subsequent inquiry to define the agricultural character of any district which may be examined.

Classification of land.

There are eight classes according to the net returns per acre of each kind of surface, excepting of course the "waste land" and the "barren land," viz., of arable land, garden land, meadows, pasturages, forests, and water surface. In the last of these, the division into eight classes is seldom carried out, for few districts furnish more than four classes.

The most productive land of each kind in each district constitutes the first class, and the least productive constitutes the eighth class. The intermediate classes are proportionately established. For each class a specimen portion of land was selected in the district, and the other lands were classed according to those specimen portions. In this manner it was hoped to hit fairly the average return per acre of each kind. The districts are either the departments or subdivisions of them. Of the 333 country departments only 66 were subdivided. It, of course, happened that in many districts the full number of classes did not exist. Hence, in any future reference to the classification, if it be stated that in such a district there are five classes of arable land, it will be meant that the first class is the best of the district, and that the fifth class is the worst, and that there are only three intermediate classes. In other words, the signification will be that in that district the land varies less in agricultural value than in another district, where the land varies sufficiently to provide eight classes. From this short explanation it will be perceived that all the lands of the monarchy grouped in any class, say, in the first class, do not yield an average nett return, but yield a varying nett return according to the district. Conversely, a nett return, which in one district places the land in the first class, will in another district only place it in the second or third class. Whenever land of any particular sort is hereafter referred to as first or second or eighth, or any other class land, these remarks must be borne in mind, and the idea retained that the classification denotes its relative agricultural value in the district named.

Meaning of classification.

(d.)—The Physical Conditions of Prussia.

9. This general introduction to the inquiry into the agriculture of Prussia would not be complete without sketching in outline the physical position of Prussia, for it is evident that the advantages derived from, and the disadvantages imposed by, given physical conditions must have an important influence upon agriculture.

No reference is, however, needed to such well-known facts of physical geography, as to the large eastern plain and the small western plain, or to the rareness and the usually small height of elevated ground, which are the chief features of Prussia. The second map of the Atlas to Dr. Meitzen's official work gives them at a glance. In a previous paragraph (6) the area of water has been separated from the aggregate area of the monarchy. The proportion of water surface to the total area by provinces may be mentioned :—

	Assessed Water Surface.	Public Waters.	Total.
	Per cent.	Per cent.	Per cent.
Prussia	3·0	4·4	7·4
Pomerania	2·3	5·4	7·7
Posen	1·6	0·4	2·0
Brandenburg	2·2	0·8	3·0
Silesia	0·7	0·5	1·2
Saxony	0·3	1·0	1·3
Westphalia	0·1	0·3	0·4
Rhineland	0 1	1·1	1·2
Monarchy	1·6	2·1	3·7

Prussia is watered by the chief streams of middle Europe from the Memel to the Meuse. If the extent of Prussian territory belonging to the basin of each river be regarded, then the Oder, with its 1,874 square geographical miles, is of the greatest importance; the Elbe, with its 852 square geographical miles, follows next in importance; and then come the Rhine and Meuse together, with 720 square geographical miles; and the Vistula, with 648 square geographical miles; the others being of minor importance. It will be remembered* that Prussia takes a first place amongst European States for relative length of navigable rivers. She has about 3,800 English miles of waterways, of which 430 are artificial waterways.

Waterways.

10. If only this short reference to the physical features of the surface be necessary, a longer reference to the conditions of climate and weather in Prussia, and their influence upon agriculture, is desirable. The quantity of rain and the average temperature in each season are obviously of great importance. The following Tables by Dove, from Dr. Meitzen's official work, will therefore be interesting.

Climate and weather.

* *Vide* paragraph 14 of Part I.

	Paris Inches of Rain.				
	Winter.	Spring.	Summer.	Autumn.	Year.
East Prussia	4·003	3·855	7·503	5·956	21·818
West Prussia	2·791	3·626	7·444	5·100	19·434
Pomerania	4·181	4·264	7·075	5·073	20·594
Posen	3·428	3·723	7·236	3·969	18·356
Brandenburg	3·972	4·695	7·617	3·906	19·766
Oberlansitz and Erzgebirge ..	4·280	5·014	9·726	4·495	23·496
Silesian plateau	3·146	4·427	9·441	4·473	21·487
Hirschberg Valley, Silesia ..	3·549	5·841	11·875	5·643	27·006
Saxon plateau	3·356	4·586	8·727	3·894	20·514
Thuringia	3·732	5·358	8·476	5·037	22·676
Harz district	7·325	7·562	11·431	7·289	33·437
Westphalia	5·043	5·513	7·860	5·603	24·020
Rhineland	5·593	5·888	7·647	5·955	25·233
Kreuznach to Treves	4·776	5·304	6·906	5·213	22·198

	Average Warmth in Degrees of Réaumur.					Difference between Winter and Summer.
	Winter.	Spring.	Summer.	Autumn.	Year.	
East Prussia	2·91	4·12	13·28	5·92	5·12	16·29
West Prussia, plain	2·30	3·97	12·74	5·34	4·94	15·04
„ coasts	0·60	4·72	13·41	6·82	6·09	14·01
Hinder-Pomerania	0·93	4·76	13·12	6·52	5·86	14·05
Fore-Pomerania	0·31	5·26	13·56	7·02	6·38	13·87
Brandenburg	0·23	6·35	14·37	7·13	6·91	14·60
Posen	1·70	5·55	14·18	6·32	6·07	15·83
Upper Silesia	1·69	5·87	13·85	6·58	6·16	15·54
Silesian mountain district	2·55	4·55	12·15	5·45	4·90	14·70
Province of Saxony	0·17	5·90	13·47	6·44	6·43	13·64
Westphalia	0·87	6·21	13·42	7·26	6·94	12·55
Plain of the Lower Rhine	1·52	6·88	13·94	7·76	7·53	12·42
The Rhine Valley	1·45	7·25	14·30	7·96	7·74	12·85

Dr. Meitzen remarks that not one of the Stations of Observation varies in an important degree from the average of the aggregate observations in the district on the fall of rain and snow. As regards temperature, the difference between the Eastern Stations and the Western Stations is usually three degrees Réaumur on the annual average, and attains to 4 and even 5 degrees on the monthly average.

Frost and cold, warmth and sunshine.

11. The return of warmth after winter, the dates of first and last frosts, the sudden changes from warm to cold, the number of days of summer heat, and the number of days of sunshine are evidently of great importance. It appears that a temperature of 5 degrees Réaumur (about 44 degrees Fahrenheit), is necessary to cause the vegetation of Prussia to burst into new life. Warm days of that temperature promote this renewal of life; colder days check it. In the first of the five following Tables this amount of temperature is used as a standard. In the fourth Table the standard of favourable summer heat is taken at 15 degrees Réaumur, or about 66 degrees Fahrenheit.

1. Observations from 1849 to 1864.

	Königsberg.	Arys.	Breslau.	Berlin.	Erfurt.	Cleves.	Cologne.	Treves.
Number of days with a day average of 5 degrees or more:								
In January—								
Average No.	0	0	0·50	1·44	2·19	4·19	4·91	3·25
Highest No.	0	0	4	5	6	9	11	12
In February—								
Average No.	0	0	1·06	2·15	2·75	4·56	6·00	4·31
Highest No.	0	0	5	7	8	14	17	12
In March—								
Average No.	1·12	1·44	5·37	6·50	7·19	8·38	11·25	10·62
Lowest No.	0	0	0	0	0	1	2	1
Highest No.	6	8	14	18	20	21	23	23
In April—								
Average No.	10·06	11·00	18·00	19·69	18·00	19·44	23·56	23·69
Lowest No.	1	2	10	11	11	13	19	19
Highest No.	23	23	26	25	25	28	30	29
In May—								
Average No.	25·44	26·94	28·06	29·44	28·62	29·15	30·06	30·19
Lowest No.	17	19	21	23	24	25	26	27

2. Observations from 1849 to 1864.

	Königsberg.	Arys.	Breslau.	Berlin.	Erfurt.	Cleves.	Cologne.	Treves.
1. Last frost—								
Average	Apr. 28	Apr. 28	Apr. 13	Apr. 17	Apr. 19	Apr. 18	Apr. 10	Apr. 7
Earliest	,, 2	,, 4	Mar. 13	Mar. 31	,, 2	,, 1	Mar. 10	Mar. 12
Latest	May 17	May 17	May 9	May 7	May 6	May 9	Apr. 28	Apr. 25
2. First frost—								
Average	Oct. 21	Oct. 14	Nov. 1	Nov. 3	Oct. 29	Nov. 1	Nov. 12	Nov. 4
Earliest	Sept. 23	Sept. 23	Oct. 4	Oct. 13	Oct. 4	Oct. 5	Oct. 26	Oct. 10
Latest	Nov. 16	Nov. 11	Nov. 15	Nov. 16	Nov. 12	Nov. 19	Dec. 2	Dec. 20
3. Days between first and last frost—								
Average	177	169	202	200	193	197	216	211
Lowest No.	129	130	148	163	151	154	183	173
Highest No.	225	205	247	227	223	220	252	247
4. Number of days of frost with day average 0 degrees or under:								
In March—								
Average	13·87	18·50	9·19	6·62	7·25	4·32	2·81	3·25
Highest	23	27	25	20	21	16	14	15
Lowest	3	7	0	0	0	0	0	0
In April—								
Average	1·69	3·25	1·00	0·31	0·31	0	0	0
Highest	9	5	8	2	3	0	0	0

3. Observations from 1849 to 1864.

	Königsberg.	Arys.	Breslau.	Berlin.	Erfurt.	Cleves.	Cologne.	Treves.
Changes from heat to cold:								
In February—								
Average No.	6·25	5·44	6·25	5·27	6·37	5·35	4·87	5·94
Highest No.	11	11	13	11	9	9	9	9
Lowest No.	0	0	0	0	4	2	2	2
In March—								
Average No.	6·25	6·50	5·06	5·56	6·56	5·25	4·31	5·50
Highest No.	12	14	9	10	12	9	8	11
Lowest No.	1	2	2	1	3	2	2	1
In April—								
Average No.	3·37	6·12	2·94	2·56	3·69	2·50	1·56	1·94
Highest No.	6	12	7	8	8	6	2	6
Lowest No.	0	2	0	0	1	1	0	0

4. Observations from 1849 to 1864.

	Königsberg.	Arys.	Breslau.	Berlin.	Erfurt.	Cleves.	Cologne.	Treves.
Days with day mean of 15 degrees Réaumur, and more:								
1. The first day of 15 degrees is—								
On the average ..	May 28	May 23	May 22	May 22	May 28	May 31	May 23	May 28
Earliest ..	,, 5	Apr. 29	,, 12	,, 4	,, 11	,, 4	Apr. 26	Apr. 26
Latest ..	June 13	June 10	June 7	June 7	June 18	June 23	June 17	June 24
2. Number of days to end of July—								
Average . ..	17	21	27	28	18	16	26	22
Highest . ..	29	40	44	46	32	36	45	40
Lowest . ..	5	10	16	15	7	7	16	10
3. Number of days in August and September—								
Average ..	9·44	8·87	14·13	12·31	9·37	9·15	16·00	12·56
Highest ..	29	24	30	34	23	26	35	28
Lowest ..	0	0	6	2	3	1	2	1
4. The last day of 15 degrees is—								
On the average ..	Aug. 25	Aug. 25	Sept. 3	Sept. 4	Sept. 2	Sept. 2	Sept. 9	Sept. 4
Earliest ..	July 25	,, 13	Aug. 17	Aug. 6	Aug. 16	Aug. 14	Aug. 18	Aug. 14
Latest ..	Sept. 12	Sept. 12	Sept. 20	Sept. 30	Sept. 27	Sept. 29	Oct. 15	Sept. 27
5. Number of days between first and last days of 15 degrees or more—								
Average . ..	86	94	104	105	97	94	109	99
Highest . ..	113	111	127	133	126	147	172	159
Lowest . ..	43	66	81	74	71	63	80	69

5. Observations from 1849 to 1864.

	Königsberg.	Arys.	Breslau.	Berlin.	Erfurt.	Cleves.	Cologne.	Treves.
Days of sunshine:								
1. In March. Average ..	9·75	8·44	7·69	8·81	11·75	6·69	12·94	10·06
April ,, ..	13·99	11·19	7·87	9·94	14·00	7·94	15·06	11·12
May ,, ..	16·58	13·19	9·37	11·37	14·37	8·25	15·62	11·25
June ,, ..	17·19	15·06	10·50	12·31	15·82	7·15	15·37	12·13
Of the four months—								
Average	57·51	47·58	35·43	42·43	55·94	30·03	58·99	44·56
Highest No. ..	89	74	70	78	87	52	84	71
Lowest No. ..	24	26	14	13	34	11	35	14
2. In September—								
Average	13·94	11·87	10·44	10·44	15·44	10·50	16·37	11·13
Highest No. . ..	23	17	16	20	26	15	24	21
Lowest No. . ..	4	6	3	5	6	4	10	9

On the first Table it may be remarked, that in the north-east of the monarchy vegetable life has practically no chance of renewal before April, whereas in the west there are more warm days in January and in February than in March in the north-east, and nearly as many as there are in Silesia in March. As spring advances the inequalities are quickly equalized. The second and third Tables show that the above advantage of the western provinces in early warm days, is practically no advantage for agriculture, for hard frosts do occur in March and April and can occur even in May. The extreme limit for frost at Königsberg is 17th May, and at Cologne 28th April, being a difference of only twenty days. If in the west vegetation springs up earlier, it runs a greater danger from frost and cold than the vegetation of the east, which in February and March is still for the most part dead. But the west obtains a greater advantage from its greater length of summer warmth, as shown by the fourth Table. The average of days of sunshine, as given in the fifth Table, varies without regard to east and west or north and south, and it is only in September that the west seems as west to have an advantage.

Averages of temperature.

12. To conclude this short notice of this interesting subject a Table of the averages of the means of heat and cold in the agricultural months is added.

Observations from 1849 to 1864.

Averages of Extreme Day Means.	Königsberg.	Arys.	Breslau.	Berlin.	Erfurt.	Cleves.	Cologne.	Treves.
In February—								
Average of highest ..	3·86	3·58	6·49	7·37	7·14	8·06	8·44	7·94
Mean of month ..	−2·11	−3·63	−0·52	0·53	0·30	1·69	2·18	1·75
Average of lowest ..	−12·60	−15·95	−9·96	−7·69	−7·42	−6·09	−5·92	−5·72
In March—								
Average of highest ..	8·36	8·66	11·33	11·87	12·01	12·51	12·46	12·37
Mean of month ..	−0·08	−1·15	1·72	2·64	2·51	3·01	3·99	4·52
Average of lowest ..	−9·78	−13·38	−7·01	−6·01	−7·07	−4·44	−4·32	−4·54
In April—								
Average of highest ..	15·05	15·43	16·71	17·31	16·64	16·71	17·17	16·17
Mean of month ..	4·15	3·79	5·79	6·39	5·85	6·13	7·20	7·20
Average of lowest ..	−2·99	−4·59	−2:11	−1·92	−2·50	−1·56	−1·01	−1·03
In May—								
Average of highest ..	21·02	20·99	20·72	21·19	20·80	20·41	20·77	20·20
Mean of month ..	8·73	9·30	10·37	10·49	9·72	9·63	10·82	10·49
Average of lowest ..	−0·19	−0·37	2·17	1·43	2·06	1·21	2·19	2·60
In June—								
Average of highest ..	23·48	23·74	23·61	24·39	23·47	22·99	23·77	23·29
Mean of month ..	12·64	13·22	13·91	14·20	13·11	12·75	13·85	13·66
Average of lowest ..	4·31	4·26	7·14	6·07	6·84	4·97	5·95	6·58
In July—								
Average of highest ..	23·58	23·70	23·74	25·34	23·63	23·86	24·31	23·79
Mean of month ..	13·84	13·99	14·61	14·91	13·85	13·67	14·83	14·48
Average of lowest ..	3·5	2·8	7·1	5·1	5·45	4·3	5·2	6·4
In August—								
Average of highest ..	22·96	23·05	24·23	24·85	23·93	23·58	24·15	23·72
Mean of month ..	13·64	13·50	14·36	14·69	13·71	13·49	14·58	14·35
Average of lowest ..	7·04	5·51	7·55	7·54	7·28	6·86	7·62	7·10
In September—								
Average of highest ..	19·07	19·80	20·09	19·66	19·67	19·15	20·11	19·20
Mean of month ..	10·43	9·91	10·94	11·49	10·70	10·95	12·02	11·40
Average of lowest ..	3·03	1·08	3·34	3·89	3·06	4·21	4·36	3·81

If any reader should desire to pursue the subject further into details, he is referred to those which are collected in Dr. Meitzen's Official Work, from which the foregoing Tables have been extracted.

13. The geological distribution of rocks and earths need not be touched; nor do time and space permit of any reference to their connection with the art of agriculture. Neither is it necessary to epitomize the known facts respecting the extent and distribution of the useful minerals. On all these subjects Dr. Meitzen has collected the best and most recent information.

This epitome of the facts preliminary to an inquiry into the agricultural conditions of land will, it is hoped, in spite of its brevity be a sufficient introduction to the main subject. Of this subject the first important inquiry will be into the distribution of land into properties and holdings.

(B.)—*The Distribution of Land.*

Public and private property.

14. The distribution of land into alienable land and into more or less inalienable land has been shown in paragraph 193 of Part II. From the Tables therein set forth

it will be seen also that, by adding to the alienable land the acreage subject to feudal and other entails, the distribution of land into public and private propeaty is as follows:—

	Acres.
Public property	11,217,874
Private property	57,449,677
Area yielding no returns	2,754,430
Total area of State	71,421,981

Distribution of landed properties.

15. The distribution of land in 1859 amongst small holdings, team-requiring peasant farms, and large properties in the eastern provinces, (excepting in the provincial district of Stralsund) and Westphalia was as follows:—

	Acres.	Per Cent.
Large properties	37,899,759	59·73
Team-requiring peasant farms ..	22,332,289	35·20
Small holdings	3,222,551	5 07
	63,454,599	

These per-centages have been quoted in paragraph 179 of Part II, and it has there been remarked that 15 per cent. should be deducted for Crown, mortmain, and municipal properties. If this be done, then, roughly speaking, 45 per cent. of the land is distributed amongst large non-peasant individual proprietors and 40 per cent. amongst peasant individual proprietors. The two classes have nearly an equal share. It further appears that small proprietorship has only 5 per cent. of the land. It is regrettable that the return of 1859 does not include the Rhine Province.

16. It is possible, in consequence of the completeness of the information contained in the local records upon which the basis of value for the land tax is calculated, and in consequence of the information afforded by the levying of the income-tax, to set forth at a given date the distribution of property in land throughout the Kingdom and to set it forth with a great exactness. But this work has yet to be done, and would require an enormous expenditure of time. The result would, however, be so valuable and interesting that it is to be hoped that Prussia will soon undertake the task. Some less comprehensive inquiries in this direction have, however, been made.

The following Table embodies the chief points of interest:—

SMALL PROPERTY.

	1858.		1858.		1858.	1859.	
	Under 3½ acres.		From 3½ to 20 acres.		Total of Columns 1, 2, 3, 4.	Peasant Farms, not Team-requiring.	Average area in Acres.
	Near Towns.	In the Country.	Near Towns.	In the Country.			
	1.	2.	3.	4.	5.	6.	7.
Prussia—							
Number	9,360	39,852	5,623	38,958	93,793	74,628	5
Per square geog. mile ..	8·3	35·3	5·9	34·5	84·0	66·1	..
Pomerania—							
Number	16,396	16,647	8,795	20,304	51,752	30,258	11
Per square geog. mile ..	29·6	30·4	16·0	37·1	113·1	55·3	..
Posen—							
Number	11,203	13,589	6,538	26,314	57,644	34,084	6
Per square geog. mile ..	21·4	25·9	12·4	50·1	109·8	64·9	..
Brandenburg—							
Number	29,725	37,138	12,938	32,825	112,626	61,556	5
Per square geog. mile ..	41·1	51·3	17·9	45·4	155·7	85·1	..
Silesia—							
Number	12,143	108,935	7,420	102 305	230,803	207,275	4
Per square geog. mile ..	16·6	152·0	10·2	140·0	318·8	284·0	..
Saxony—							
Number	40,357	65,542	17,093	49,732	172,724	101,134	5
Per square geog. mile ..	38.1	143·0	37·3	109·0	327·4	221·0	..
Westphalia—							
Number	85,258	86,567	13,276	62,261	197,362	95,569	8
Per square geog. mile ..	96·1	236·0	36·2	170·0	538·3	261·0	..
Rhineland—							
Number	61,103	503,656	16,455	188,991	770,205	Unknown	..
Per square geog. mile ..	126·0	1,035·0	33·8	388·0	1,582·8	Unknown	..
Monarchy—							
Number	215,155	871,926	88,138	521,690	1,696,909	604,591	..
Per square geog. mile ..	43·3	175·0	17·7	105·0	341·0	..	..

MIDDLE PROPERTY.

	1859.		1858.		1858.		1858.
			From 20 to 200 acres.		From 200 to 400 acres.		
	Peasant Farms, Team-requiring.	Average area in Acres.	Near Towns.	In the Country.	Near Towns.	In the Country.	Total of Columns 10, 11, 12, 13.
	8.	9.	10.	11.	12.	13.	14.
Prussia—							
Number	82,837	81	4,631	78,330	299	4,152	87,412
Per square geog. mile ..	73·3	..	4·10	69·3	0·20	3·67	77·27
Pomerania—							
Number	19,793	87	3,259	22,988	116	1,320	27,683
Per square geog. mile ..	36·2	..	5·96	42·0	0·21	2·42	50·59
Posen—							
Number	48,008	47	3,065	42,167	140	942	46,314
Per square geog. mile ..	91·5	..	5·84	80·3	0·27	1·80	88·21
Brandenburg—							
Number	49,652	73	5,427	43,991	199	2,144	51,571
Per square geog. mile ..	68·6	..	7·50	60·7	0·27	2·96	71·43
Silesia—							
Number	69,303	33	1,788	47,371	50	1,154	50,363
Per square geog. mile ..	94·8	..	2·45	64·8	0·07	1·58	68·90
Saxony—							
Number	39,229	66	4,794	36,309	120	1,483	42,706
Per square geog. mile ..	85·7	..	10·5	71·3	0·26	3·24	85·30
Westphalia—							
Number	35,915	74	3,187	42,992	52	1,349	47,580
Per square geog. mile ..	97·9	..	8·69	117·0	0·1	3·68	129·51
Rhineland—							
Number	Unknown.	..	3,975	45,549	60	1,548	51,132
Per square geog. mile ..	Unknown.	..	9·16	93·5	0·12	3·18	104·96
Monarchy—							
Number	344,737	..	30,126	359,697	966	14,082	404,871
Per square geog. mile ..	..	..	6·06	72·4	0·19	2·83	81·48

LARGE PROPERTY.

	1858.			1865.					
	Over 400 acres.			Assessed to the Land Tax at a net return.					
	Near Towns.	In the Country.	Total of Columns 15 and 16.	Of £150 to £300.	Of £300 to £450.	Of £450 to £750.	Of £750 to £1,500.	Of over £1,500.	Total of Columns 18, 19, 20, 21, 22.
	15.	16.	17.	18.	19.	20.	21.	22.	23.
Prussia—									
Number	128	4,009	4,137	941	376	220	56	12	1,605
Per square geog. mile ..	0·11	3·55	3·66	0·83	0·33	0·19	0·65	0·01	2·01
Pomerania—									
Number	106	2,489	2,595	722	411	392	136	6	1,667
Per square geog. mile ..	0·19	4·55	4·74	1·32	0·75	0·72	0·25	0·01	3·05
Posen—									
Number	47	2,609	2,656	670	353	238	98	21	1,380
Per square geog. mile ..	0·89	4·97	5·86	1·28	0·67	0·45	0·19	0·04	2·63
Brandenburg—									
Number	175	2,190	2,365	448	260	242	138	22	1,110
Per square geog. mile ..	0·24	3·03	3·27	0·62	0·36	0·34	0·19	0·03	1·54
Silesia—									
Number	62	2,941	3,003	1,246	723	462	112	15	2,558
Per square geog. mile ..	0·08	4·03	4·11	1·71	0·98	0·63	0·15	0·02	3·49
Saxony—									
Number	182	1,095	1,223	363	209	183	103	24	882
Per square geog. mile ..	0·28	2·39	2·67	0·79	0·46	0·40	0·23	0·05	1·93
Westphalia—									
Number	73	633	706	356	101	54	13	5	532
Per square geog. mile ..	0·20	1·73	1·93	0·97	0·28	0·15	0·05	0·03	1·40
Rhineland—									
Number	61	1,451	1,512	772	167	80	30	3	1,052
Per square geog. mile ..	0·13	2·98	3·11	1·59	0·34	0·16	0·06	0·01	2·16
Monarchy—									
Number	780	17,417	18,197	5,518	2,600	1,871	689	108	10,786
Per square geog. mile ..	0·16	3·51	3·67	1·11	0·52	0·38	0·14	0·02	2·17

AVERAGE NUMBER AND SIZES OF LANDED PROPERTIES.

	1865.						
	Landed Properties or Proprietors (including the Owners who do not reside on the Property).						
	Near Towns.	Average area in Acres.	In the Country Communalties.	Average area in Acres.	In Estate Districts ("Gutsbezirken")	Average area in Acres.	Total of Columns 24, 26, 28.
	24.	25.	26.	27.	28.	29.	30.
Prussia—							
Number	22,301	26	168,329	51	6,582	1,004	197,212
Per square geog. mile ..	19·8	..	149·0	..	5·83	..	173·91
Pomerania—							
Number	25,471	19	65,401	39½	5,762	789	96,634
Per square geog. mile ..	46·6	..	120·0	..	10·5	..	177·1
Posen—							
Number	18,585	19	84,417	33½	2,029	2,028	105,031
Per square geog. mile ..	35·5	..	161·0	..	3·87	..	200·37
Brandenburg—							
Number	48,432	18	124,623	38	3,070	1,435	176,125
Per square geog. mile ..	66·9	..	172·0	..	4·24	..	243·14
Silesia—							
Number	22,535	13	259,405	18½	3,062	1,646	285,002
Per square geog. mile ..	30·8	..	355·0	..	4·19	..	389·99
Saxony—							
Number	57,817	11	183,501	22	1,962	806	243,280
Per square geog. mile ..	126·0	..	400·0	..	4·28	..	526·28
Westphalia—							
Number	34,230	12	153,228	30	There are no Estate Districts in Westphalia and Rhineland.		187,458
Per square geog. mile ..	93·3	..	417·0	..			510·3
Rhineland—							
Number	62,243	8½	464,530	13			526,773
Per square geog. mile ..	128·6	..	955·0	..			1,083·6
Monarchy—							
Number	291,614	14	1,503,434	25	22,467	..	1,817,515
Per square geog. mile ..	58·7	..	303·0	..	..	..	361·7

NOTE.—"Near Towns, &c.," is adopted as the translation of "Stadt-fluren," and includes all lands belonging to the Municipalities or Public Bodies, or Private Individuals of the Town, and lying around the Town. Township lands is the nearest English equivalent of "Stadt-fluren."

The first remark on this Table is, that all sites of houses, with or without a house-garden, but without other land attached, are excluded from the enumeration of small properties. In the Kingdom there are 342,745 such sites of houses, either near towns or in the country. The second remark is, that the enumeration is always of properties, but is nearly correct also of proprietors; for as far as possible a plural return from the fact of a proprietor holding properties in different parishes and being returned for each, is excluded. But it has not been possible to similarly allow for this fact of a plural return in regard to the average area of each property; the average areas of properties will sometimes be therefore somewhat larger than in the Table. The third remark is, that as all the parcels belonging to the same proprietor in the same parish are, as far as possible, returned as one property, this Table is no guide to the number of separate holdings. The fourth remark is, that the columns 18 to 23 are inserted for purposes of comparison, but that the lower steps of 45*l.* to 75*l.*, and 75*l.* to 150*l.* were not ascertained except for privileged properties. The fifth remark is, that the return of small properties in 1858 is somewhat inexact, in consequence of the difficulties connected with the subdivision into small parcels; and that the return of large properties is probably too great, as possessions of forests, wastes, ponds, and the like, without any habitation or agricultural establishment upon them, are reckoned for the purposes of the land tax as estates. On the other hand, there seems to be no doubt as to the accuracy of the return of the middle properties and even of the acreage belonging to them. The last remark is, that the returns of 1859 in columns 6 to 9 are given for purposes of comparison. The line drawn between small and middle property at 20 acres, and the line drawn between middle and large properties at 400 acres may or may not be the best lines for comparison, but they are the lines adopted for the existing statistics on this subject.

17. Subject to the foregoing remarks, it will be interesting to contrast the total of 1858 with the total of 1865; thus:—

	1858.	
	Number.	Per Square Geographical Mile.
Small properties	1,696,909	341·00
Middle properties..	404,871	81·48
Large properties	18,197	3·67
Total 1858	2,119,977	426·15
Total 1865	1,817,515	361·7

The discrepancy is owing to the excess in the number of large properties and the excess in the number of small properties in 1858 for the reasons above given. This is seen still more clearly by contrasting the two provinces; thus:—

	Prussia, Per Square Geographical Mile.	Rhineland, Per Square Geographical Mile.
Small properties	84·00	1,582·80
Middle properties	77·27	104·96
Large properties	3·66	3·11
Total 1858	164·93	1,690·87
Total 1865	173·91	1,083·60

The discrepancy in the Province of Prussia, where small properties form scarcely more than half of the total, consists in an increase in 1865 of scarcely 6 per cent.; whereas it in Rhineland, where small properties form an enormous majority of the total, consists in a decrease in 1865 of nearly 40 per cent. It is obviously impossible, under such circumstances, to attempt to ascertain the result of the movement of property from 1858 to 1865.

As to landed properties near towns, &c., and in country.

18. For the purposes of this Report, a number of the properties near towns ("Stadtfluren") and also in the country ("auf dem lande") should possibly be excluded from consideration, as many of them are probably not agricultural properties in any sense of the term. It has been noticed that sites of houses with or without a house-garden attached have been already excluded. Of the smallest properties within the limits of towns and villages, and in the country, it would probably be fair to exclude one-half. But, as this cannot now be done, it will suffice, inasmuch as those near towns are probably the most affected by this consideration, merely to separate all the properties within the limits of towns and in the country respectively from the above totals. Then the following will be the numbers respectively:—

	Near Towns.		In the Country.	
	Number.	Per Square Geographical Mile.	Number.	Per Square Geographical Mile.
Small properties	303,293	61	1,393,616	280
Middle properties	31,092	6·25	373,779	75·23
Large properties	780	0·16	17,417	3·51
Total of 1858 ..	335,165	67·41	1,784,812	358·74
Total of 1865 ..	291,614	58·7	1,525,901	303·0

It may be noticed that the ratio between town landed properties on the one hand, and the country landed properties on the other, is about the same in each year; and that, consequently, there is about the same average amount of error in each category in the reckoning of the small and large properties. There is probably more than this average in respect of small properties, but less than this average in respect of large properties. But, starting from this average amount of error, let a reduction of one-sixth of the totals for small and large properties of 1858 be assumed to render the numbers nearly correct, then

these corrected numbers can, for the present purpose, be assumed to show the distribution of property for 1858 and also the probable proportions of their distribution in 1865. The preceding Table would then become this—

	In Towns.		In the Country.	
	Number.	Per Square Geographical Mile.	Number.	Per Square Geographical Mile.
Small properties	252,744	51·8	1,161,846	233·33
Middle properties	31,092	6·25	373,779	75·23
Large properties	650	0·13	14,514	2·92
Total for 1858 ..	284,486	58 18	1,549,639	311·48
Total for 1865 ..	291,164	58 7	1,525,901	303·00

It will be borne in mind that these numbers of properties are, subject to the inaccuracies already noted or not fully eliminated, the numbers of proprietors, including therein individuals and proprietary bodies. The question of proprietors will be treated of in the following division of this part. The distribution of the land into properties is the subject of this division.

Proportion of number and size of property, &c.

19. Taking first the statistics of 1865, the Table shows the remarkable contrast between different parts of the Kingdom in respect of the number and size of the properties in land. For instance the Province of Prussia has 174·63 landowners per square geographical mile, whereas the Rhine Province has no fewer than 1083·6; and the Province of Prussia has an average size of 360 acres for its landed properties, whereas the Rhine Province has an average size of as little as 11 acres.

Position of provinces in respect of landed property.

Small properties.

The large Table and the subsequent small tables tell their own meaning so plainly, that few further remarks are needed. But, if the 1858 statistics be considered, it may be observed that Silesia and Saxony approach nearly to the general average of small properties per square geographical mile, whereas Westphalia is much in excess, and Rhineland enormously in excess of that general average. The low numbers of the north-eastern provinces are in striking contrast. Moreover, the number of small properties in various provinces is also in striking contrast when compared with the numbers of middle and large properties in the same province. Thus, in Westphalia the small properties form in number rather more than one-half of the total number of properties, whereas in Silesia and Saxony, and in Rhineland, they are probably ten or twelve times as many. As regards the middle properties there is no such striking contrast between provinces. Pomerania has comparatively the least number of middle properties; Silesia, Brandenburg, and Prussia, are below the general average; Saxony and Posen rather above it, and Rhineland and especially Westphalia are much above that average. As regards the large properties their small proportion to the total number of properties, and even to the middle properties will be noticed. It is regrettable that the materials are not at hand for comparing the acreage of small, middle, and large properties.

Middle properties.*

Large properties.

Subdivision of land.

20. From the statistics of 1865 the following Table, showing the subdivision of the land, can be constructed.

* They are four or three times as many.

TABLE showing Subdivision of Land.

		Real Estates yielding Returns.			Subdivision.	
		Area.	Proprietors.	Area for each.	Portions.	Size.
		Acres.	No.	Acres.	No.	Acres.
Prussia	In town communalties ..	581,856	24,446	24	82,883	7
	In country do. ..	8,539,410	192,586	45	496,107	17
	In estate districts ..	6,610,450	8,566	773	16,169	408
	Total .. .	15,731,716	225,598	70	595,159	27
Pomerania ..	In town communalties ..	489,024	28,928	17	91,543	5
	In country do. ..	2,579,194	76,454	34	288,979	9
	In estate districts ..	4,545,828	7,481	608	16,179	281
	Total	7,614,046	112,863	67	396,701	19
Posen	In town communalties ..	357,526	22,070	16	63,567	6
	In country do. ..	2,844,601	94,352	30	268,949	11
	In estate districts ..	4,118,692	2,530	1,627	4,266	965
	Total	7,320,819	118,952	61	336,782	22
Brandenburg ..	In town communalties ..	868,552	56,370	17	180,972	5
	In country do. ..	4,727,687	150,816	33	604,194	8
	In estate districts ..	4,406,146	4,667	966	11,642	379
	Total	10,002,385	211,853	49	796,808	13
Sile ia	In town communalties ..	300,026	27,454	11	68,045	5
	In country do. ..	4,779,749	306,241	15	997,024	5
	In estate districts ..	5,031,737	5,571	903	18,183	227
	Total	10,111,512	339,266	30	1,083,252	9
Saxony	In town communalties ..	624,318	75,650	8	277,376	2
	In country do. ..	4,037,926	250,652	16	1,167,065	3
	In estate districts ..	1,586,055	2,915	545	13,239	121
	Total	6,248,299	329,217	19	1,457,680	5
Eastern Provinces ..	In town communalties .	3,221,302	234,918	14	743,591	5
	In country do. ..	27,508,567	1,071,101	26	3,739,871	7
	In estate districts ..	26,298,908	31,730	827	77,384	340
	Total .	57,028,777	1,337,749	43	4,560 846	13
					"Parcels."	
					No.	
Westphalia ..	In town communalties ..	406,466	44,222	9	287,429	$1\frac{1}{2}$
	In country do. ..	4,631,951	203,773	23	2,062,659	$2\frac{1}{2}$
	Total	5,038,417	247,995	21	2,350,088	$2\frac{1}{3}$
Rhineland ..	In town communalties ..	529,943	84,752	6	608,479	1
	In country do. ..	6,127,216	824,611	7	11,318,587	$\frac{1}{2}$
	Total . ..	6,657,159	909,363	7	11,927,066	$\frac{3}{5}$
Western Provinces	In town communalties ..	936,409	128,974	$7\frac{1}{2}$	895,908	1
	In country do.	10,759,167	1,028,384	10	13,381,246	1
	Total	11,695,576	1,157,358	10	14,277,154	1

N B —The "estate districts" are co-extensive with a sufficiently large manor to constitute a separate district, distinct from the communalties.

The contrast between the eastern and western provinces comes out also in this respect. In the former the average size of the portions of land is 13 acres, whereas, in the latter it is about three-quarters of an acre. Or, to put it in another way, in the former 57,000,000 of acres are cut up into 4,500,000 of separate holdings; whereas in the latter, 11,750,000 acres are cut up into 14,250,000 of "parcels." Rhineland is chiefly responsible for this. There, 6,500,000 of acres are cut up into nearly 12,000,000 of

"parcels." It must, however, be borne in mind that in the eastern provinces a considerable extent of subdivision has been obliterated from the land by the action of the compulsory consolidation in connection with the extinction of rights of common, and that in Rhineland its application has been hitherto resisted, with the recent exception, noted in paragraph 75 of Part II, in respect of the district of Ehrenbreitstein, which is, however, distinguished from the rest of Rhineland by the dominion of the Common Law and by an organization different in some points. It is also worthy of notice that, whereas in the eastern provinces the ratio of subdivision is three to one, in the western it is ten to one.

21. Before concluding this notice of the distribution of land, it will be interesting to give a Table of the privileged estates ("Rittergüter") which remain as relics of the ancient land system throughout the Monarchy. **Privileged estates.**

1866.	Assessed to the Land Tax at a net Return.												
	Total No. of Privileged Estates.	Under £75.	From £75 to £150.	From £150 to £300.		From £300 to £450.		From £450 to £750.		From £750 to £1,500.		Over £1,500.	
		Privileged Estates.	Privileged Estates.	Privileged Estates.	Other Estates.	Privileged Estates.	Other Estates.	Privileged Estates.	Other Estates.	Privileged Estates.	Other Estates.	Privileged Estates.	Other Estates.
		Of 100 acres	100 to 200.	200 to 400.		400 to 600.		600 to 1,000.		1,000 to 2,000.		Over 2,000.	
Prussia	2,099	308	503	716	225	313	63	195	25	52	4	12	..
Pomerania ..	1,804	131	285	587	135	336	75	339	53	120	16	6	..
Posen	1,497	52	192	568	102	335	18	283	5	96	2	21	..
Brandenburg ..	1,448	159	301	382	66	227	33	225	17	133	5	21	1
Silesia	3,343	380	587	1,132	114	689	34	438	24	103	9	14	1
Saxony . ..	1,094	85	193	337	26	201	8	158	15	92	11	18	6
Westphalia ..	410	9	89	175	181	71	30	48	6	14	2	4	1
Rhineland ..	455	34	111	197	575	58	109	34	46	19	11	2	1
Monarchy ..	12,150	1,158	2,261	4,094	1,424	2,230	370	1,680	191	629	60	98	10

The number of "Other Estates" given is 2,055, but Other Estates at under £75 and at from £75 to £150 were not counted.

It will not fail to be observed, that some of them are of very small value; most of them are of small value; and few only are of considerable value. The probable acreages, stated under the assessed values, are based upon the average nett return in each step of the land-tax assessment. The actual acreage in any particular provincial district yielding a given nett return necessarily varies much. The suggestive sudden decrease in their number for Westphalia and Rhineland will be noticed.

(C.)—*The Cultivation of Land.*

22. The observations which are made in the following paragraphs on this important subject are, in the main, an epitome of the information contained in the second volume of Dr. Meitzen's official work, which has just been published; but an epitome which is supplemented for the purposes of this Report, by gathering now and then some information from the other books named in the Appendix, and from personal inquiries. One preliminary remark must be made. It will have been noticed, that the systems of cultivation have been referred to as two, three, four, or five "field," &c., using the term "field" instead of "course." The system is now more or less scientifically that of a rotation of crops. But in Germany the system of cultivation was practised by dividing the whole farm into three parts, or three fields, and so on, for each system of cultivation. It has, therefore, seemed to be more distinctive to translate the German term literally, by three field, or four field, &c. Moreover, the form of expression, "three field," is not unknown to our language. **"Three field," &c.**

(a.)—*The Development of Agriculture.*

23. The three-field system of cultivation is now acknowledged not to have been universal in Germany in the days of Roman Conquest. That system, which existed in some Roman provinces, was probably not unknown to the Germans. The first recorded instance of this tripartite division of a farm occurs in the year 771, in respect of a landed property on the Rhine. But the system of winter corn, summer corn, and fallow, was the dominant system of cultivation of the Middle Ages, and forms in modern times the system in use by far the greatest number of farms of the actually Prussian territories, and even yet forms the basis of the majority of and even of the more developed, systems of cultivation. But this system is not more characteristic of the ancient cultivation in the "close villages," **Ancient shift of crops**

than the cultivation in common which sprang from the principle of the land-communities. Indeed, cultivation properly so called, or rather tillage, was an encroachment on the common pasturage; and as soon as the crop was reaped, the cattle resumed their rights of common over the whole district. The "Sachsenspiegel" was explicit:—"If a man let his corn stand when others have gathered in their corn, and if then his corn be trodden down or eaten up, that man has no claim to compensation from any one." Hence the uniformity of crops, and the uselessness of accommodation ways on the land. Thus, the system of cultivation became fixed and unchangeable, and became subject to what is called the field compulsion ("Flurzwang"), by which all cultivators were compelled to uniformity. Then, as the arable land was extended, the rights of common to fallow-grazing, and to stubble-grazing assumed great importance. This system of the "close villages" was naturally followed in the colonized villages, with this exception, that the lord of the manor, who had a kind of monopoly of sheep-rearing, limited the number of sheep to be maintained on a colonist's farm, and retained the right of sending in his flocks to feed on their farms at certain times. Parenthetically it may be observed, that in Norfolk, and probably elsewhere of advanced England, this latter prejudicial right is still to be found, but not in advanced Prussia.

Ancient farming.

24. It is easy to understand how this dominant system of cultivation in many cases brought about the distinctive outward arrangement of fields referred to in the paragraphs 2 and 3 of this Part. Where the so-called square plans ("Gewanne"), existed, each proprietor of a farm received of the easily cultivated land a lesser share, and of the less easily cultivated land a larger share, either undivided, or merely divided in such a manner that each one should be employed in the same manner as all the others in the same part of the district. Thus, each farmer would have a share in each square of land destined for each kind of the three-field system of crops. Of these squares lying together for receiving the same crop, there might be three or more. But the square, or the squares which lay together, in the three-field system formed the first field, say on the south, the second field, say on the west, and the third field on the north and east of the village. The disadvantages of such a system are patent. The disadvantages of the three-field system as applied to land laid out in bands, were quite as great.

Square Plans.

25. Moreover the right of common to pasturage produced a very unfavourable wasteful use of the outlying lands where, with few exceptions, the cattle roamed at will. But such lands were very seldom attached to farms laid out on the Flemish or Frankish standards of size. These farms were close estates, subject to the before-mentioned right of common to pasturage within their limits, but usually with no right of common to pasturage in adjoining lands. So also in many Silesian districts of square fields there were no common lands belonging to the village.

Common lands.

26. From these few remarks it is hoped that a general idea of the low state—one might, indeed, say of the compulsorily low state—of agriculture throughout the territories now forming Prussia will be apprehended. Agriculture was, however, improved by two influences, which are still the moving power of agricultural development; viz.: the older influence of the so-called garden-cultivation essentially connected with the small proprietorship, and the later and probably more powerful influence of the high tillage of the large proprietorship. To the importance of the first, which the monasteries materially aided, the literature of the subject from the beginning of the sixteenth century bears witness. As to the second influence, the large farming proprietor, or in other words the practice of farming by large landowners was an oft-recurring fact in German land at a very early date. In South-west Germany it gradually disappeared, but in North-east Germany it remained to constitute a most important agricultural element. Its influence is also to be traced in the practical treatises of former centuries. But neither time nor space will permit of tracing the gradual effect of these influences. Their actual effect at the present day will, however, be seen by comparing the short description of existing agriculture with the foregoing rapid glance at ancient agriculture and its development. This subdivision cannot be closed without noticing the influence of the State in promoting agricultural development, and without referring to the great reformer of Prussian agriculture at the beginning of this century—Albert Thaer—whose place in respect of the National Agriculture Legislation has already received recognition in this Report. It would be interesting to note the steps in the scientific progress of Prussian agriculture from the time of Thaer to the publication of Liebig's works in 1840, and thence to the present day. But such a notice must be omitted, and the influence of the scientific progress of agriculture in promotion of agricultural prosperity must be taken for granted.

Improvement of agriculture.

27. Before proceeding to the next subdivision it is necessary to allude to the subject of the local distribution and qualities of soils. This subject is evidently of importance amongst the agricultural conditions of land. It is, however, a subject which admits of

Local qualities of soil.

little or no abbreviation without losing its completeness and distinctness. For the variety in quality, in position and in distribution is so great that, unless the broad local distinctions of soil were stated, it would be impossible to give a clear idea of the relative and absolute position of the various provinces of Prussia in respect of their soil. Such a statement of those broad local distinctions should constitute a subdivision of this division. But it would necessarily extend to a greater length than can be allotted to it in this Report.

(*b.*)—*The Use made of the Soil.*

28. The productive area of Prussia has been given, with its distribution amongst the six varieties of cultivation, in paragraph 7 of this Part. The following Table shows its distribution by provinces, and also the proportion of unproductive area.

Of every 1,000 Acres of the Total Area there are—	House and Farm Sites, and House Gardens.	Arable Land.	Vineyards.	Gardens.	Meadows.	Pasturages.	Wood Land.	Water Surface.	Waste Land.	Barren Land.	For Public use, and Yielding no Returns.	
											Land.	Water.
	Acres.	Acres.	Acres.	Acres.	Acres.	Acres.	Acres.	Acres.	Acres.	Acres.	Acres.	Acres.
In Prussia ..	8	505	..	4	112	106	200	31	2	7	18	7
Pomerania ..	8	547	..	3	102	88	198	25	1	4	19	5
Posen ..	9	596	..	5	83	51	216	16	1	..	19	4
Brandenburg ..	8	459	..	8	102	46	323	22	1	..	23	8
Silesia ..	13	540	..	8	89	19	297	7	2	..	20	5
Saxony ..	12	591	..	9	93	52	200	3	1	..	29	10
Westphalia ..	14	416	..	9	77	173	279	1	1	..	27	3
Rhineland ..	14	455	4	9	76	98	307	1	2	..	24	10
Monarchy ..	10	514	7		96	76	250	16	1	2	21	7

Prussia and Pomerania have, therefore, a considerable proportion of arable and meadow land, but a moderate proportion of wood land. Posen has a specially large proportion of arable land. Brandenburg has a specially small proportion of arable land, and the relatively largest proportion of forest. Silesia and Saxony have a large quantity of arable land, a small quantity of meadow land, and a medium quantity of wood land. Westphalia is remarkably poor in arable land and rich in meadows. The Rhine Province has only a relatively medium quantity of arable and meadow land, but a large quantity of wood land. Only one other remark is needed on this Table, but it is one of great interest. The great increase of population, and the correspondingly greater contributions exacted from the soil have not been so destructive of the smaller arts of husbandry or of the forests as might have been expected. In fact the western provinces have in comparison with the north-eastern by no means a preponderating surface of cultivated land. This will be more clearly seen from the following Table, showing the agricultural use of the productive area.

No preponderating cultivation in western provinces.

Agricultural use of productive area.

Of every 1,000 Acres of the Total Area.	Crop-bearing Area.			Grass-bearing Area.			Wood and Timber-bearing Area.	Area yielding scarcely any Returns.
	Under Spade Cultivation.	Under Tillage.		Mown Land.	Pasturage Land.			
	Acres.	Acres.		Acres.	Acres.		Acres.	Acres.
Prussia	12	505	517	112	116	218	200	65
Pomerania	11	547	558	102	88	190	198	54
Posen	14	596	610	83	51	134	216	40
Brandenburg ..	16	459	475	102	46	148	323	54
Silesia	21	540	561	89	19	108	297	34
Saxony	21	591	612	93	52	145	200	43
Westphalia ..	23	416	439	77	173	250	279	32
Rhineland	27	455	482	76	98	174	307	37
State	17	514	531	96	76	172	250	47

This subject has probably an intimate connection with the questions both of small proprietors and high farming, and will be referred to in a subsequent Division. In the meantime it is not to be forgotten that nature as well as man sets limits to the extension of cultivation and especially of tillage.

Favourable and unfavourable soils.

29. The extent of the six varieties of cultivation on loam, clay, sand, bog, and chalk soils cannot be given; but the relations of the chief varieties of cultivation to certain soils of the cultivated land can, in the aggregate, be given as follows:—

	Favourable Loam and Clay Soils.			Mixed Sandy Loam, and Loamy Sand Soils.	Unfavourable Clay Land and Bog Soils.			Water.	Chalk layer under the previous Soils.	Total of favourable Soils.	Extent of Cultivated Land from previous Table.	Per cent. of favourable Soils to Cultivated Land.
	Loam on raised ground.	Loam.	Grey loam (Clay).		Grey Loam (Clay) on raised ground.	Sand Soils.	Bog Soils.					
		In River levels.										
	Acres.	Acres.	Acres.	Acres.	Acres.	Acres.	Acres.	Aeres.	Acres.	Acres.	Acres.	
Prussia	111	18	7	451	33	299	44	37	(1)	587	735	79·9
Pomerania	62	2	2	448	..	354	102	30	(14)	509	748	68·1
Posen	53	14	12	480	15	336	70	20	(0·2)	559	744	75·2
Brandenburg	48	..	41	355	14	425	87	30	(0·0)	444	623	71·3
Silesia	229	46	31	285	62	313	22	12	(23)	591	669	88·4
Saxony	272	82	26	195	128	251	33	13	(42)	575	757	76·0
Westphalia	430	40	11	105	124	246	43	1	(118)	586	689	85·1
Rhineland	236	44	34	217	361	88	17	3	(59)	531	656	81·0
State	158	27	20	344	77	300	52	22	(24)	549	703	78·1

From this it will be seen that tillage, meadow, and pasturage land have occupied in every province a considerable of unfavourable soil. In Pomerania and Brandenburg, this has occurred to a larger degree than in Silesia and Westphalia. Posen and Saxony are rather above the average for the Kingdom, and Prussia and Rhineland rather under the average. Here again we encounter a fact of important bearing upon the question of small proprietors and of high farming, to be referred to hereinafter.

Science of agriculture.

30. The science of Agriculture in Prussia cannot of course be examined here not only for want of time and space but also for want of competency. But as a branch of the chemical treatment of the physical qualities of the soil, the following Table showing so far as is known, the extent to which agriculturists have availed themselves of the new system of sub-soil drainage will be interesting, even without being compared with the local qualities of the soil in each Province. The Table is defective for a few places, but is considered to be tolerably correct. This being so, it is evident to what a small extent sub-soil drainage has been adopted in Prussia. The 214,000 acres of the larger proprietors and the 10,200 acres of the smaller proprietors form together a small portion of the probably drain-requiring surface. The usual depth is three to four feet:—

Subsoil drainage.

Subsoil Drainage.	No. of Owners.		Size of the Surface						Items of Cost of Subsoil Drainage.		
			To be Drained.			Already Drained.			Price per 1,000 Drains.	Cost of Digging and Laying per 4·12 yards.	Total cost, including Drain Pipes, Superintendence, &c., per Morgen.
	Larger.	Smaller.	Of larger Proprietors.	Of Smaller Proprietors.	Total.	Of larger Proprietors.	Of smaller Proprietors.	Total.			
	1.	2.	3.	4.	5.	6.	7.	8.	9.	10.	11.
			Morgen.	Morgen.	Morgen.	Morgen.	Morgen.	Morgen.	Thalers.	Sgr.	Thalers.
Prussia	56	21	24,216	655	24,871	6,950	311	7,261	1½ to 40	3 to 5	8 to 12
Pomerania	163	16	88,931	343	89,274	44,658	335	44,993	4 49	1½ 5	8 12
Posen	29	4	25,926	20	25,946	5,094	31	5,125	2 20	2 5	6 16
Brandenburg ..	149	54	42,600	762	43,362	22,708	94	23,402	3 50	1 6	5 15
Silesia	439	638	97,762	5,095	102,857	55,276	5,138	60,414	2 180	2½ 5	5 15
Saxony	296	905	31,697	4,859	36,556	35,131	7,644	42,775	2⅔ 60	2 5	8 20
Westphalia	79	346	6,024	2,975	8,999	5,563	4,315	9,878	3½ 20	2 5	6 14
Rhineland	53	953	4,266	881	5,147	2,632	2,409	5,041	3 35	1¼ 5	10 15
State	1,264	2,937	321,422	15,590	337,012	178,012	20,877	198,889	1½ to 180	2 to 5	8 to 15

Columns 10 and 11 are based upon the most frequently recurring mean price.
N.B.—It will be recollected that 3 morgen = 2 acres; a thaler = 3*s*; and a silbergroschen = 1¼*d*.

(*c.*)—*The Implements, Machines, and Movable Forces of Agriculture.*

31. This sub-division refers to an interesting subject, which must however be only cursorily considered. The importance of lightening the task of the cultivator cannot be

overrated. It must be acknowledged that England has taught to Prussian cultivators the wisdom of having special implements for each special purpose and of facilitating the task of the commonest manual labour by using the best working tools. That these principles are making their way in Prussia is manifested by the fact of the more frequent occurrence in German agricultural Exhibitions of home-made implements of simple and improved construction. Improvement of implements.

Within the territories now forming North Germany and the Prussian Provinces, two tilling instruments seem to have special domains. The plough (at first a wheel-plough) was distinctive of German land, and the hook-plough ("Haken") was distinctive of Slave land. The mechanical principle of the first seems to be the screw,—of the second the wedge. There were not a few varieties of each instrument. Both are represented at the present day,—the hook-plough in its most useful form as the Mecklenburg hook-plough ("Haken"). It has neither mould-board nor coulter, and the share is a pure share with a hook; or rather this kind of plough corresponds well to its Latin name in the middle ages "Uncus," in contradistinction to "Aratrum." Ancient ploughs.

32. In the province of Prussia the Grignon plough is used in the Vistula level, and the American swing-plough on the higher lands. The Prussian plough ("Zöche"), which is the variety of the hook-plough that approaches the nearest to the German plough, is peculiar to this province. The Lithuanian plough ("Stagutt"), which resembles in an improved combination the ancient varieties of the hook-plough, also belongs to this province, and in the hands of a clever ploughman has beaten many a modern plough both in loosening of the soil and economy of traction. Ploughs in Prussia.

In Pomerania the Regenwald plough, which combines the good qualities of the hook-plough and the usual plough, is peculiar to the province. Other ploughs are in use, but the hook-plough is still mainly used for fallow. In Posen, the Silesian hook-plough ("Ruhrhaken") and the Bohemian plough ("Ruchaldo") are almost universal. The Bohemian plough has the iron-mould board so placed that its edge and lower corner act as a share. In Brandenburg, the Mecklenburg hook-plough is still much used in the North, but elsewhere varieties of the Bohemian plough obtain. In Silesia, the Silesian hook-plough ("Ruhrhaken") is peculiar to the province. But varieties of the ordinary wheel-plough are also used. Large farming has adopted a few modern ploughs, chiefly the American sub-soil plough. In Saxony, about Magdeburg, the large farming has tried many a kind of hoe and foreign plough. The American ploughs for deep ploughing have held their ground. The three-shared plough is also in use on account of its economy of man power. Elsewhere the Bohemian plough has driven out the old Thuringian plough. In Westphalia there is little change since 1836; the customary wheel-plough is in use. Towards the Rhine the Cleves plough—a double-shared plough—is employed. The Grignon plough has latterly made most way for heavy land. In Rhineland the distinctive and so-called "Huns" plough, which is a swing-plough with a coulter and a peculiar share, is the customary, and a very advantageous implement. It is universal in the northern parts, but in the southern the hook-plough is used. The Nassau plough, a variety of the Bohemian plough, is also employed for heavy lands. As a general remark wooden ploughs are by no means extinct in the kingdom.

In Pomerania.

In Posen.

In Brandenburg.

In Silesia.

In Saxony.

In Westphalia.

In Rhineland.

33. The American ploughs have been more used than English, and no steam-ploughs are to be found in the State. Threshing machines, as also the so-called whim machines ("Göpelmaschinen") for threshing, are on the other hand widely spread, and reaping and especially mowing-machines have been adopted in some parts. In Saxony the yeomanry and peasants are trying to obtain them, and have formed associations for the purchase of such machines, chiefly threshing-machines. Threshing machines, &c.

34. The following figures will show the increased use of steam agricultural machines from 1846 to 1861, since which year they have not been counted, but have increased at a greater rate than before. These include machines for draining and irrigation. The greater part of them, however, are for threshing machines.

Machines.	In 1846.	In 1849.	In 1852.	In 1855.	In 1858.	In 1861.
Number	48	63	74	97	121	242
Horse-power ..	504	598	836	1,262	1,347	4,172

According to German prices, if the cost of steam-power be unity then that of horse-power is 2·2, and that of man-power is 36. For threshing the economy is yet greater.

Draft animals.

35. The following Table showing the use of draught animals is interesting:—

HORSES.

Years.	Prussia.	Pomerania.	Posen.	Brandenburg.	Silesia.	Saxony.	Westphalia.	Rhineland.	Kingdom.
1816	309,869	96,627	66,082	139,039	139,002	106,499	102,298	81,913	1,041,329
1822	367,010	101,463	78,066	145,941	142,105	115,502	107,819	88,705	1,145,611
1831	359,988	103,695	99,000	143,943	144,906	122,174	102,174	96,131	1,172,011
1840	356,483	110,763	119,610	156,033	156,403	124,587	104,385	107,112	1,235,376
1849	380,815	126,048	130,042	166,867	165,705	131,254	106,353	107,310	1,314,394
1858	374,043	130,108	128,034	171,026	174,996	126,806	99,527	107,416	1,311,956
1864	426,981	145,781	145,322	201,551	203,712	143,969	102,957	117,148	1,487,421
Increase ..	117,112	49,154	79,240	62,512	64,710	34,470	659	35,235	446,092

OXEN.

1816	182,250	69,795	84,710	128,276	107,112	46,150	13,373	95,895	727,561
1822	210,415	65,052	93,378	115,504	115,335	44,481	15,022	82,816	742,003
1831	201,983	52,782	99,693	98,914	105,713	38,186	14,458	84,056	695,780
1840	232,125	50,541	108,972	101,834	105,786	39,523	15,516	87,274	741,571
1849	222,455	39,582	90,236	89,340	97,400	36,902	15,475	85,005	676,395
1858	229,131	39,336	89,752	89,946	97,108	45,494	17,558	87,279	695,604
1864	237,355	29,263	81,266	87,707	104,354	52,404	17,004	86,166	695,519
Increase ..	51,105	..	..	..	..	6,254	3,631	..	..
Decrease ..	..	40,532	3,444	40,569	2,758	..	..	9,729	32,042

For every 100 there was of—

	Prussia.	Pomerania.	Posen.	Brandenburg.	Silesia.	Saxony.	Westphalia.	Rhineland.	Kingdom.
Horses—									
Increase ..	37·9	50 9	120·0	45·0	46·6	35·3	0·6	43·0	42·9
Oxen—									
Increase ..	30·3	..	..	..	..	13·6	27·1	..	..
Decrease ..	..	58·1	4·1	31·7	2·6	..	..	10·2	4·41

Thus the use of horses has increased 43 per cent. and that of oxen has decreased 4·41 per cent.

Increase of horses.

In Prussia, where horse-breeding is of importance, the number of horses and the number of oxen have increased one-third. In Westphalia the former number has been stationary, but the latter has increased. In Saxony the horses have increased by one-third, and the oxen by one-eighth. In Posen the number of horses has increased 120 per cent, but the number of oxen has only slightly decreased. For Silesia, Pomerania, Brandenburg, and Rhineland, the number of horses has on the average increased by 46 per cent., but the number of oxen has decreased in a very different ratio in each of these provinces. The decrease has been 10 per cent. in Rhineland, 32 per cent. in Brandenburg, and 58 per cent. in Pomerania since 1816. Here and there a road locomotive for agricultural or traction purposes is to be found. The use of steam-machines is increasing since the home manufacture has been so successful as to considerably cheapen them to the farmer.

Road locomotives rare.

(d.)—The Cultivation of Arable Land.

36. Reference having been made to the varying usefulness of the soil and to the employment of agricultural implements and machines, it is now necessary to examine briefly the cultivation of the chief varieties of cultivated land. This subject is one in which the defects of the existing statistics are much felt. In Prussia, as in many another country, the purely agricultural statistics are still wanting in accuracy and completeness. This subject will be treated in this subdivision province by province. In estimating the agricultural position of each province, its position in respect of physical conformation and of climate is to be borne in mind. These have been noticed in the preceding paragraphs 9 to 13. But allowance must also be made for the relative position of each province in respect of local quality of soil, a subject which could not be compressed into this report.

37. In Prussia the three following Tables give the chief points of interest:—

	Total Area.	Crop-bearing Area.				Tillage.		Extreme Districts.
		Area.	Of Total Area.	Of Separate Classification Districts.		Area.	Of Total Area.	
				Highest.	Lowest.			
I. High land—	Sq. Geo. Miles.	Sq. Geo. Miles.	Per cent.	Per cent.	Per cent.	Acres.	Per cent.	
East Prussia ..	235·3	110·0	46·8	32·5 *a*	59·0 *b*	1,556,800	45·9	*a.* Johannisburg.
West Prussia ..	152·7	71·9	47·0	38·7 *c*	66·9 *d*	1,016,200	46·3	*b.* Neidenburg.
Total ..	388·0	181·9	46·9	..	..	2,573,000	46·1	*c.* Konitz. *d.* Löbau.
II. Middle land—								
East Prussia ..	415·4	224·7	54·5	27·0 *e*	68·1 *f*	3,147,397	52·8	*e.* Heidekrug.
West Prussia ..	266·2	150·8	56·6	43·0 *g*	74·0 *h*	2,128,351	55·6	*f.* Stallupönen. *g.* Neustadt.
Total ..	681·6	375·5	55·1	..	..	5,275,748	53·2	*h.* Kulm.
III. Low land—								
East Prussia ..	20·8	4·8	23·1	7·6 *i*	67·6 *k*	62,934	21·1	*i.* Labiau.
West Prussia ..	43·5	23·1	53·2	18·0 *l*	67·6 *m*	318,887	50·7	*k.* Tilsit lowland.
Total ..	64·3	27·9	43·6	..	..	381,821	41·2	*l.* Undyked district of Culm.
Total of Province ..	1,133·9	585·4	51·7	7·6	74·0	8,230,569	50·5	*m.* Dantsic low land.
Total of Kingdom ..	4,974·4	2,640·8	53·1	7·6	91·3	36,764,053	51·4	

Gross produce per acre.	Wheat.	Rye.	Barley.	Oats.	Peas.	Potatoes.	Clover.
I. High land—	Bushels.	Bushels.	Bushels.	Bushels.	Bushels.	Bushels.	Cwts.
East Prussia ..	7 to 22½	7 to 22½	9 to 27	7 to 27	7 to 22½	45 to 157½	15 to 37½
West Prussia ..	9 24½	2 24½	9 27	7 33½	..	36 135	6 30
II. Middle land—							
East Prussia ..	7 27	6 27	7 29	7 40½	7 19½	33⅓ 202½	7½ 37½
West Prussia ..	7 31½	4½ 31½	9 45	7 45	4½ 22½	45 180	7½ 45
III. Low land—							
East Prussia ..	9 27	7 22½	7 40½	7 33½	..	67½ 135	9 30
West Prussia ..	13½ 40½	7 40½	11 54	11 51	9 33⅓	47 180	7½ 36

Net Return. (Of Land Tax.)	Average per Morgen.		Average in Classification Districts.		The best Class of Tillage is.	Of every 1,000 Morgen of Total Area there are assessed.			Extreme Districts.
	Crop-bearing Area.	Tillage.	Highest.	Lowest.		At 6 Sgr. and less.	From 3 to 6 thalers.	Above 6 thalers.	
I. High land—	Sgr.	Sgr.	Sgr.	Sgr.	Sgr.	No.	No.	No.	
East Prussia ..	13·9	13·4	11 *a*	16 *b*	90	134	..	..	*a.* Neidenburg, Ortelsburg, Johannisburg.
West Prussia ..	13·9	13·7	8 *c*	18 *d*	81	201	3	..	*b.* Osterode, Sensburg.
Total ..	13·9	13·5	8	18	..	160	1	..	*c.* Lautenburg. *d.* Konitz.
II. Middle land—									
East Prussia ..	28·4	28·1	21 *e*	40 *f*	120	11	1	..	*e.* Gumbinnen, Angerburg.
West Prussia ..	27·9	27·7	18 *g*	44 *h*	135	55	0	..	*f.* Königsberg, Rastenburg. *g.* Neustadt.
Total ..	28·2	27·9	18	44	..	28	1	..	*h.* Kulm. Stuhm.
III. Low land—									
East Prussia ..	59·0	60·0	31 *i*	70 *k*	108	1	5	..	*i.* Labiau, lowland.
West Prussia ..	74·1	73·9	36 *l*	108 *m*	165	3	119	..	*k.* Tilsit, lowland. *l.* Kulm, undyked.
Total ..	71·0	70·9	31	108	..	2	82	..	*m.* Kleiner Werder.
Total of Province. ..	25·3	25·0	8	108	165	72	6	..	
Total of State ..	45·8	44·0	11	214	420	37	48	6	

NOTE.—The Net Return, forming the basis of the Land Tax, is naturally not the real Net Return: it is lower than the real Return. It may usually be trebled to obtain the real Net Return, and may sometimes be increased by seven times. In this and the corresponding Tables the Net Return is that of the Land Tax; and the morgen can be taken at two-thirds of an acre, the thaler at 3*s.*, and the silbergroschen at 1½*d.*

Agricultural position of Prussia.

The crop-bearing surface and the tillage approach very nearly to the average of the State, and the proportion in each division of the Table does not vary much from that average. East Prussia is however behind West Prussia, especially in respect of the low land. The district Labiau is the worst of all the districts of classification in the Kingdom. The climatic conditions render husbandry difficult in this Province, but quality of the soils is less disadvantagous in spite of their great local contrasts. The distinctive agricultural feature of the province is, that side by side with very fertile and rich districts are some of the least fertile and the poorest districts of the Kingdom. In East Prussia the larger properties depend usually upon sheep rearing. They have various shifts of crops. Rye,

Larger proprietors.

peas, buckwheat, and potatoes in various succession; also, where the soil permits, one year clover, as also fodder roots, and carrots. Wheat is little grown, barley scarcely at all. Peas are the most advantagous; buckwheats are less advantageous, and potatoes are only grown for the use of the house and the distilleries.

Smaller proprietors. The smaller proprietors still retain as a rule the three-field system. This system is usually winter grain crops, summer grain or forage crops, and then fallow. But they often let considerable portions of their land rest three and even six years after the summer crops. Many, however, only till an "infield," which they manure uninterruptedly, with winter or summer crops. Better farms have a fourth course of clover. The smaller proprietors also cultivate a little flax. In some districts the farming is better than this. The grazing farms are more advanced. In this part of the province there are also some districts of special varieties of cultivation.

Larger proprietors. West Prussia extends so far west, that the climatic conditions vary much on the left bank of the Vistula. The larger proprietors still look upon naked fallow as an absolute

Smaller proprietors. necessity. The smaller proprietors, with scarcely an exception, follow the three-field system with an entirely, or in a large portion, occupied fallow. Even where they possess better meadows, these proprietors are defective in their knowledge of manuring, and only those prosper who give more space to forage crops and the purely pasturage fallow.

Gross produce. The Table of gross produce per acre shows the enormous difference between various parts of the provinces, arising from physical conformation, climate, soil, and mode of farming.

Net return. The Table of the land-tax assessments shows that Prussia has an average nett return of only 25·3 silbergroschen, whereas that of the Kingdom is 45·6.

Of Pomerania. 38. Similar Tables will give the chief points of interest in connection with Pomerania:—

	Total. Area.	Crop-bearing Area.				Tillage		Extreme Districts.
		Area.	Of Total Area.	In Separate Classification Districts		Area.	Of Total Area.	
				Highest.	Lowest.			
	Sq. Geog. Miles.	Sq. Geog. Miles.	Per cent.	Per cent.	Per cent.	Acres.	Per cent.	
A. Köslin	255·0	134·6	52·8	43·1*a*	64·4*b*	1,906,442	52·0	*a.* Bütow.
B. Stettin	218·7	122·0	55·8	23·5*c*	73·1*d*	1,715,382	54·5	*b.* Schievelbein.
C. Stralsund	73·2	48·4	66·1	61·6*e*	70·0*f*	680,086	64·6	*c.* Uckermünde.
Total of Province ..	546·9	305·0	55·8	..	..	4,301,910	54·7	*d.* Pyritz. *e.* Fransburg. *f.* Rügen.
Total of Kingdom ..	4,973·4	2,640·8	53·1	7·6	91·3	36,764,053	51·4	

Gross Produce per Acre.	Wheat.	Rye.	Barley.	Oats.	Potatoes.	Cloaer.
	Bushels.	Bushels.	Bushels.	Bushels.	Bushels.	Cwt.
A. Köslin—						
Highland	..	3 to 11	..	3½ to 18	45 to 112½	6 to 18
Slope	..	3 18	7 to 18	9 27	56 135	9 30
Coast	9 to 22½	3 22½	11 22½	11 31½	33 169	12 30
B. Stettin—						
Southern Departments	9 22½	4½ 22½	9 22½	9 27	45 169	15 30
Coast Departments ..	9 27	4½ 34	9 34	9 34	45 270	15 37½
C. Stralsund	13½ 27	9 40½	13½ 31½	11 41½	67½ 169	15 37½

Nett Return of Land Tax.	Average per Morgen.		Average of Tillage Nett Returns in Classification Districts.		The best Tillage Class is—	Of every 1,000 Morgen there are of Tillage Assessed—			Extreme Districts.
	Crop-bearing Area.	Tillage.	Lowest.	Highest.		At 6 Sgr. or less.	From 3 to 6 Thalers.	Above 6 Thalers.	
	Sgr.	Sgr.	Sgr.	Sgr.	Sgr.	No.	No.	No.	
A. Köslin ..	21·7	21	12*a*	33*b*	120	127	4	..	*a.* Rummelsburg.
B. Stettin ..	37·9	37	21*c*	56*d*	180	24	7	..	*b.* Fürstenthum.
C. Stralsund ..	63·0	62	57*e*	73*f*	180	7	58	..	*c.* Uckermünde.
Province	34·8	34	12	73	180	72	13	..	*d.* Demmin. *e.* Franzburg.
Kingdom	45·8	44	11	214	420	37	48	6	*f.* Rügen.

This province has a very considerable extent of tillage; Köslin approaches the average of the State, and Stralsund exceeds it largely. The climatic conditions of the high land are so disadvantageous that wheat and barley succeed only in well-sheltered situations, and even peas are endangered. The farming depends upon rye, oats, potatoes, and several years

Yeomen. of fodder-courses. The yeomen, who possess sometimes considerable tracts of tillage, have in several districts retained the three-field system with occupied fallow, but frequently they insert a course of clover before the fallow. Their manuring is very defective. The

large proprietors have more or less, since 1845 exchanged the three-field system for the system of shifts, which sets apart half to three-fifths of the surface to crops; the rest to pasturage and fallow. They practise six, seven and more courses, either winter fallow and manuring, followed by potatoes and peas; then summer crops and clover for cutting or depasturing; or, manuring for potatoes, followed by summer crops, several years of clover, and then an exhausting crop of rye; or by interchanging each succession. Manuring is not perfect, but much is done by subsoil drainage. Towards the sea-coast, the larger proprietors depend chiefly upon sheep rearing, and great attention is paid to manure. Dressings of marl are used with visible advantage. The rotation varies according to the manure at hand. Where there is much and the soil is a good rye soil, the rotation is—1, manured fallow; 2, rye; 3, oats; 4, manured, hoed crops; 5, barley; 6 and 7, clover to be eaten off. But, if there be less manure, then after the winter crop potatoes, then oats, lupines, and clover pasturage in six or seven years succession. The smaller farmers have generally abandoned the three-field system. They adopt if possible an interchange of grain and green crops, and on very small and light lands an interchange of only manured potatoes and rye. There are "parcels" which have grown potatoes for twenty years, but which are, however, manured, and receive dressings of bog earth. On the sea-coast wheat preponderates. The large properties have a seven to eight course of shifts with two manurings; as, for example,—1, fallow; 2, manured turnips; 3, wheat; 4, barley; 5, half potatoes, half peas, manured; 6, half summer crops, half winter crops; 7 and 8, clover. On the other hand, the smaller farmers seem to retain the three-field system with a clover course inserted, which is depastured by cattle. Another custom is—1, manured fallow; 2, winter crops; 3, red clover; 4, winter crops; 5, summer crops partially with peas.

Large proprietors. Smaller proprietors. Larger proprietors. Smaller proprietors.

In the provincial district of Stettin the southern part has many advantages over the coast. Oil crops are raised. Corn, especially winter crops, is very safe. Rye and barley are well reputed. Both large and small farms seem to be in an advanced position. The succession of crops is distinguished by clover for cutting and depasturing, and the raising of herbage. Pure fallow is rare. Where a modified three-field system exists, the smaller proprietors raise tobacco and peas in the fallow field; barley, oats, and potatoes in the summer field. The larger farms have a large variety of shifts of crops from 4 to 13 courses. A common rotation is,—1, fallow; 2, wheat; 3, peas; 4, rye; 5, potatoes; 6, barley; 7, clover for cutting; 8, same, and for depasturing; 9, pasturage and fallow; 10, rye; 11, oats. Forage crops are very frequent, and the raising of fodder for stall-feeding only is not rare. On the coast, owing to the less favourable conditions, the large farms have generally only two-fifths of the land under crops, and fallow is seldom omitted. The smaller farms are still chiefly subject to the three-field system, but four courses of clover sometimes precede the summer crops. The fallow is often half depastured. They have little manure, and substitute three, four, or even five workings with plough and harrow.

Smaller proprietors. Larger proprietors. Larger farms. Smaller farms.

In the provincial district of Stralsund the farming is necessarily directed mainly to forage crops. Fallow, which however is not required by the soil or want of labour, is usually deemed necessary. But upon many estates the fallow is interrupted by roots, maize, tares, or lupines, to be eaten off, and in autumn prepared again with winter crops. The potato distilleries have disappeared. The dominant system on the large farms is the Mecklenburg seven-year shift of 1, manured fallow; 2, winter crops, now and then partially with roots; 3, barley, and after roots winter crops; 4, peas, tares, potatoes, roots, flax, entirely or partially manured; 5, oats and rye with clover; 6 and 7, clover fallow. If the manure is defective, this series is changed at some of the stages. Hoed crops are seldom raised, owing to want of labour. The yeomen and peasants have nearly everywhere abandoned the three-field system for a similar seven-year shift. The farming on the estates of the Greifswald University will be elsewhere specially mentioned.* In general the smaller farms have too small forage crops, and consequently, by the underfeeding of the cattle, too little manure. Since 1830 dressings of marl are often used. Subsoil drainage has been much adopted with great advantage.

Large farms. Yeomen and peasants.

The table of gross produce shows how unfavourably situated the highest land in Köslin is. It has been calculated that, according to the easting and the distance from the coast at Kammin, the climatic conditions cause a disadvantage of 6, 15, 23, and on the West Prussia boundary even 31 per cent. Changing of seed, especially for rye, is much required. New Prussian flax seed has been strikingly successful.

Gross produce.

The Table of the nett returns shows in remarkable contrast Köslin and Stralsund, the latter having a nett return the triple of that of Köslin.

Nett returns

* When this part of the Report was written it was intended to notice the farming, if it offered anything worthy of special attention, of these estates in the account of the leasing of them. But as they have latterly been leased to the highest bidder, like other estates, the separate account has not been required.

Of Posen.

39. The province of Posen furnishes the following three Tables :—

	Total Area.	Crop-bearing Area.				Tillage.		Extreme Districts.
		Area.	Of Total Area.	In Classification Districts.		Area.	Of Total Area.	
				Lowest.	Highest.			
	Sq. Geo. Miles.	Sq. Geo. Miles.	Per cent.	Per cent.	Per cent.	Acres.	Per cent.	
A. Bromberg	207·7	152·2	58·2	35·1*a*	71·5*b*	1,702,822	57·0	*a.* Czarnickan.
B. Posen	317·7	238·3	62·7	42·5*c*	75·9*d*	2,979,316	61·3	*b.* Mogilno.
Province	525·4	390·5	61·0	35·0	75·9	4,503,238	59·6	*c.* Birnbaum. *d.* Wreschen.
Kingdom	4,973·4	2,640·8	53·1	7·6	91·3	36,764,053	51·4	

Gross Produce per Acre.	Wheat.	Rye.	Barley.	Oats.	Potatoes.	Clover.	Rape.	Roots.
	Bushels.	Bushels.	Bushels.	Bushels.	Bushels.	Cwt.	Bushels.	Cwt.
A. Bromberg.	11 to 27	4½ to 27	9 to 34	7 to 31½	56 to 180	7½ to 37½	11 to 22½	..
B. Posen	9 22½	4½ 22½	7 22½	9 27	45 180	7½ 36	9 20	120 to 180

Nett Returns. (Of Land Tax.)	Average per Morgen.		Average in Classification Districts.		The best Class of Tillage is	Of every 1,000 Morgen of Total Area there are Morgen assessed.			Extreme Districts.
	Crop-bearing Area.	Tillage.	Lowest.	Highest.		At 6 Sgr. and less.	From 3 to 6 thalers.	Above 6 thalers.	
	Sgr.	Sgr.	Sgr.	Sgr.	Sgr.	No.	No.	No.	
A. Bromberg ..	28·7	28	19 *a*	43 *b*	120	42	1·6	..	*a.* Czarnikau, Chodziesen.
B. Posen	26·5	26	16 *c*	35 *d*	120	30	0·4	..	*b.* Inowraclaw.
Province	26·7	26	16	43	120	35	0·9	..	*c.* Meseritz. *d.* Kröben.
Kingdom	45·8	44	11	214	420	37	48	6	

In this province the crop-bearing area and the tillage area are both in greater proportion than in the Kingdom, and the poorest departments have not less than 35 and 42 per cent. of the crop-bearing area

Larger farms. The provincial district of Bromberg is less favourably situated than that of Posen. The larger farms are in considerable number, and have a system of cultivation consisting of

Smaller farms. various courses with numerous shifts of crops. The smaller farms on the other hand retain generally the three-field system with a fallow partially occupied. When meadows and pasturages fail, the farming makes no progress.

Large estates. In the provincial district of Posen the usually large estates peculiar to it are specially adapted for the system of cultivation followed in the district. There are various rotations of crops. Manuring is, however, seldom every four but every six years. Lupines are ploughed in, and dressings of gypsum are applied to clover. Guano showed itself in a long succession of dry years insufficiently powerful, and some attention has been directed to

Smaller farms. marl. The smaller farms retain for the most part the three-field system, with fallow entirely or partially depastured. Potatoes, roots, cabbages, tobacco, and flax, are raised in the fallow field. In one district there is a two-field system of, 1, potatoes; 2, rye; the sandy soil being slightly manured every three or six years, and large pasturages belonging to the farm.

Gross produce. Net returns. The Table of gross produce shows an average yield, and the Table of net returns shows a per-centage, considerably below the average of the State.

40. The three corresponding Tables for Brandenburg are as follows :—

	Total Area.	Crop-bearing Area.				Tillage		Extreme Districts.
		Area.	Of Total Area.	In Classification Districts.		Area.	Of Total Area.	
				Highest.	Lowest.			
	Sq. geog. Miles.	Sq. geog. Miles.	Per cent.	Per cent.	Per cent.	Acres.	Per cent.	
A. Lowlands of the Oder and Warthe ..	22·2	14·0	63·1	88·4 *a*	9·6 *b*	195,000	61·4	*a.* Lebus lowland. *b.* Angermünde lowland.
B. The other parts of the Provincial Districts of:								*c.* Frankfurt highland.
Frankfort ..	331·1	153·2	46·3	88·0 *c*	33·5 *d*	2,132,325	44·8	*d.* Lübben.
Potsdam ..	371·1	176·8	47·6	75·9 *e*	33·5 *f*	2,460,600	46·1	*e.* Prenzlau.
Province ..	724·4	344·0	47·5	88·4	9·6	4,787,925	45·9	*f.* Beeskow-Storkow.
Kingdom ..	4,973·4	2,640·8	53·1	91·3	7·4	36,764,053	51·4	

Gross Produce per Acre.	Wheat.	Rye.	Barley.	Oats.	Potatoes.	Clover.	Rape.	Roots.
	Bushels.	Bushels.	Bushels.	Bushels.	Bushels.	Cwt.	Bushels.	Cwt.
A. Lowlands of the Oder and Warthe	18 to 36	7 to 36	22½ to 54	18 to 68	45 to 216	15 to 37½	..	150 to 375
B. The other parts of the Provincial Districts of.								
Frankfort	9 27	4½ 27	9 45	9 56	67½ 216	7½ 52½	22½	180 330
Potsdam	9 27	4½ 27	11 41	9 45	72 225	9 45	7 to 22½	90 150

Net Returns of Land Tax Assessment.	Average per Morgen.		Average in Classification Districts.		The best Class of Tillage is	Of every 1,000 Morgens there are Morgens Assessed.			Extreme Districts.
	Crop-bearing Area.	Tillage.	Lowest.	Highest.		At 6 sgr. and less.	From 3 to 6 Thalers.	Above 6 Thalers.	
	Sgr.	Sgr.	Sgr.	Sgr.	Sgr.	No.	No.	No.	
A. Lowlands of Oder and Warthe	99·1	99	47 *a*	136 *b*	240	..	221	42	*a.* Frankfort. *b.* Königsberg. *c.* Lübben. *d.* Landsberg. *e.* Beeskow-Stokow. *f.* Prenzlau.
B. The other parts of the Provincial Districts of:									
Frankfort ..	34·8	32	13 *c*	49 *d*	165	32	9	..	
Potsdam ..	37·7	35	22 *e*	60 *f*	180	33	10	..	
Province ..	37·3	36	13	136	240	32	16	1	
Kingdom ..	45·8	44·0	11	214	420	37	48	6	

In the lowlands the average tillage is very high. In the other parts of the province it is nowhere a third of the area. Of every 1,000 acres 475 are crop-bearing. Climatically, this province is as favourably situated as any other province of the State. The predominant sandy soil is not always disadvantageous. Its suitableness under favourable local circumstances of manure for clover has given rise to the so-called farming of the margraviate of six to ten shifts with two-year clover for mowing and depasturing, which has spread itself throughout all parts of the province for half a century. Along the Oder and Warthe the influence of the dykes begun in the time of Frederic the Great has been most important. Grazing, farming, and rotation of crops have driven out the old system of cultivation. Now the succession is, for instance—1, roots or potatoes manured; 2, barley; 3, rye; 4, clover; 5, half roots, half rape, or caraway, manured; 6, wheat; 7, oats.

Large farms.

Great attention is paid to the suitableness of the rotation to the soil. In other parts of the Frankfort district the large farms have shifts of two winter crops, two summer crops, and three clover crops, one of the latter being shared with half rape, potatoes or peas. Special mention must be made of the efforts to bring thin lands into good tilth, partly by lupines and partly by grass seeds. There exists an herbage cultivation, which, in opposition to the existing system, was instituted by the Agricultural Counsellor Fleck. It consists in using, in connection with dressings of marl and with hoed crops, suitable seeds for strengthening the light soils. Upon the better soils the succession is—1, grass for hay; 2, grass for depasturing or seeds; 3, rye; 4, hoed crop manured; 5, pulse crops; 6, rye; 7, hoed crop manured; 8, summer crops with clover and grass sown. The grass seeds are so selected and used that they vegetate early, middle, and late, and that tall and wide-spreading grasses together cover up the ground.

Small farms.

The small farms usually have a modified three-field system with occupied fallow. Pure fallow is rare. In Lausitz and the Spree forests spade cultivation has extended even beyond the limits of the lands of towns. There is, of course, much kitchen gardening.

Gross produce.

The Table of gross produce warrants the reputation of the cereals of the new margraviate. It is generally customary to cut the corn before the full ripeness. In the Havelland district the corn has been cut in the yellow ripeness in modern times in order to get a larger quantity of flour. Potatoes are a chief crop of the margraviate. Forage crops are abundant.

Nett returns.

The Table of nett returns shows that the province is considerably below the average.

Of Silesia.

41. For Silesia the three following Tables are given:—

	Total Area.	Crop-bearing Area.				Tillage.		Extreme Districts.
		Area.	Of Total Area.	In Classification Districts.		Area.	Of Total Area.	
				Highest.	Lowest.			
	Sq. Geo. Miles.	Sq. Geo. Miles.	Per cent.	Per cent.	Per cent.	Acres.	Per cent.	
I. Mountain land ..	70·8	35·8	50·5	61·7 *a*	36·0 *b*	488,612	47·9	*a.* Bolkenhain. *b.* Lowenberg. *c.* Leobschütz. *d.* Görlitz. *e.* Kreuzburg. *f.* Hoyerwerda.
II. The fertile classification districts left of Oder ..	242·7	172·3	71·1	88·3 *c*	42·9 *d*	2,381,344	67·8	
III. The rest of the Province ..	400·7	191·5	47·8	67·7 *e*	26·4 *f*	2,654,518	45·9	
IV. Glogau	17·0	11·0	64·6	64·6		152,792	62·5	
Province ..	731·2	410·6	56·2	88·3	26·4	5,677,266	54·0	
Kingdom ..	4,973·4	2,640·3	53·1	91·3	7·8	36,764,053	51·4	

Gross Produce per Acre.	Wheat.	Rye.	Barley.	Oats.	Potatoes.	Clover.	Rape.	*Roots.*
	Bushels.	Bushels.	Bushels.	Bushels.	Bushels.	Cwts.	Bushels.	Cwts.
I. Mountain land	9 to 27	7 to 27	9 to 36	11 to 36	68 to 225	27 to 36	11 to 22½	75 to 150
II. The fertile classification districts left of Oder ..	9 34	7 27	13½ 41	9 45	54 270	15 45	11 34	120 420
III. The rest of the province ..	7 20	4½ 22½	7 25	9 25	22½ 146	9 30	9 22½	90 180

Net Returns. (Land Tax Assessment.)	Average per Morgen.		Average in Classification Districts.		The best Class of Tillage is	Of every 1,000 Morgen of Total Area there are assessed.			Extreme Districts.
	Crop-bearing Area.	Tillage.	Lowest.	Highest.		At 6 Sgr. or less.	From 3 to 6 Thalers.	Over 6 Thalers.	
	Sgr.	Sgr.	Sgr.	Sgr.	Sgr.	No.	No.	No.	
I. Mountain land ..	39·3	37	24 *a*	55 *b*	165	3·9	16·7	..	*a.* Landeshut. *b.* Neurode. *c.* Ratibor, Lauban. *d.* Striegau, Jauer. *e.* Lublinitz. *f.* Oels.
II. The fertile classification districts left of Oder ..	73·0	71	54 *c*	104 *d*	180	7·6	146·7	..	
III. The rest of the Province ..	32·4	31	16 *e*	45 *f*	135	14·4	8·2	..	
IV. Glogau	56·3	55	55		165	13·7	115·0	..	
Province ..	50·6	49	16	104	180	10·9	53·8	..	
Kingdom ..	45·8	44	11	214	420	37	48	6	

The husbandry proportion of Silesia is rather higher than that of the State; 56·1 per cent. of the area is crop-bearing, and of this 54 per cent. is tillage.

The Breslau provincial district is particularly rich, having 64·4 per cent. and 61·8 per cent. respectively. In Upper Silesia farming is more difficult, according to the easting. On the little fertile right bank of the Oder the larger properties belong to large landed proprietors who want neither means nor intelligence to farm with skill. They depend chiefly upon high-bred sheep rearing; but from various reasons arising out of the unfavourable position of this part of the province a complicated and not easily carried out system of rotation is required. The four-field system is usually the basis of it. Thus—1, winter crops; 2, hoed crops; 3, summer crops; 4, clover for depasturing or mowing; or, 1, rape, hoed crops, forage crops; 2, winter crops and summer crops; 3, summer crops and clover; 4, sheep pasturing and oats. A modified three-field shift also occurs. The chief crop is potatoes, and numerous distilleries exist. Flax is also considerably grown.

Larger farms.

Smallest farms.

The smallest farms are considerably behindhand. The three-field system with dressed ("bebauter") fallow is predominant, and the rotation is such as—1, winter crops; 2, summer crops; 3, potatoes on sandy soil. Forage growing or fallow pasturage is generally deemed useless or impossible by the short-sighted cultivator! Winter crops twice in succession is not unfrequent, followed by a little manuring for buckwheat, and then afterwards sowing some rye! Stall fodder is almost unknown. The cattle are miserably fed on broad open pastures, stubble fields, roads, and the village common land.

Large owners.

The left bank of the Oder is not so ill-favoured. The large proprietors giving a prominent place to rape, have rotations such as the following:—1, beet-root or potatoes, manured; 2, summer wheat or barley with clover sown in between; 3, clover for mowing or depasturing, or for running to seed; 4, highly manured fallow for rape; 5, rape; 6, winter crops (chiefly wheat); 7, summer crops, as vetches, peas, carrots, maize or millet for forage, also potatoes; 8, rye or summer crops.

The smaller farmers of the left bank follow, as a rule, a modified three-field system with occupied fallow and not unfrequently cultivate rape. A shift of clover is also inserted as a fourth field. Their farming is for the less favourable soils too exhaustive, whilst manure is not understood and the cattle are underfed. But stall-feeding is gaining way. Smaller farmers.

In the provincial district of Breslau the numerous large properties have a rotation system of seven, twelve, or more courses which has widely diverged from the old three field system. Sheep breeding or cattle breeding, or beet-root growing are the main stay of the agriculturists, according to the soil. An example of rotation is—1, rape; 2, winter crops; 3, summer crops; 4, clover; 5, winter crops; 6, potatoes; 7, summer crops; 8, sheep pasturing. Large properties.

The smaller properties employ the three-field system with entirely occupied fallow, except of course in the cases where their cultivation is garden cultivation. The middle properties employ a similar system, with a forage crop inserted. But the smaller farms have adopted stall feeding. Smaller owners.

In the provincial district of Liegnitz the larger properties show no essential deviations from the cultivation of middle Silesia. The smaller farms have usually rye, barley, oats, potatoes, clover, and fallow for their shifts. In the latter they also grow flax, roots, white clover, and the like. Here and there they cultivate rape. In the garden properties a variety of plants are cultivated. Larger properties. Smaller farms.

All cereals are cultivated even in little fertile parts of the province. Oil crops are a chief product of the agriculture. The use of chalk dressings on certain very thin soils seems to be generally understood. The cultivation of potatoes has been a turning-point in the agricultural development of Silesia. The distilleries are very numerous. Flax is largely grown, but only very partially by the smaller cultivators. Liegnitz is famous for its kitchen gardening. The Table of gross produce shows the absolute yield of the chief crops. The Table of nett returns shows that Silesia has an average 10 per cent. above that of the State. Before noticing examples of the agriculture of the remaining provinces it is necessary to state that in the foregoing paragraphs the provinces of Prussia, Posen, and Silesia have been more slightly noticed than they deserve, because a separate report upon several points in them is in preparation by Mr. Consul White of Dantzic. Gross produce. Nett Returns.

42. Saxony gives the chief points of interest arranged in the following three Tables. Of Saxony.

	Total Area.	Crop-bearing Area.				Tillage.		Extreme Districts.
		Area.	Of Total Area.	In Classification Districts.		Area.	Of Total Area.	
				Lowest.	Highest.			
	Sq. Geo. Miles.	Sq. Geo. Miles.	Per cent.	Per cent.	Per cent.	Acres.	Per cent.	
A. Magdeburg ..	208·8	118·0	56·6	38·0 *a*	86·6 *b*	1,654,354	54 8	*a.* Jerichow II.
B. Merseburg ..	185·4	121·7	65·7	44·8 *c*	88·6 *d*	1,680,260	63·1	*b.* Wanzleben.
C. Erfurt	64·0	40·7	63·5	25·2 *e*	84·2 *f*	564,728	61·4	*c.* Liebenwerda.
Province ..	458	280·4	61·2	25·2	88·6	3,890,342	59·1	*d.* Mansfeld. *e.* Schleusingen. *f.* Weissensee.
Of these—								*g.* Jerichow II.
Alluvial Land ..	223·3	115·2	53·9	38·0 *g*	78·7 *h*	1,603,372	52·1	*h.* Delitzsch.
Hilly Land ..	234·9	165·2	67·8	25·2 *i*	88·6 *k*	2,286,970	65·1	*i.* Schleusingen. *k.* Mansfeld.
Province ..	458·2	280·4	67·2	25·2	88·6	3,890,342	59·1	
Kingdom ..	4,973·4	2,640·3	53·1	7·6	91·3	36,764,053	51·4	

Gross Produce per Acre.	Wheat.	Rye.	Barley.	Oats.	Potatoes.	Clover.	Rape.	Roots.
	Bushels.	Bushels.	Bushels.	Bushels.	Bushels.	Cwt.	Bushels.	Cwt.
A. Magdeburg	9 to 34	9 to 31½	9 to 54	11 to 45	54 to 270	7½ to 37½	9 to 27	60 to 300
B. Merseburg	13½ 34	3 36	13½ 45	9 59	81 216	15 45	18 34	105 270
C. Erfurt	4½ 29	7 31½	13½ 31	7 45	22½ 189	15 52½	..	180 309
Alluvial Land	9 27	3 27	9 31	9 31½	54 216	7½ 45	9 34	60 225 and 300
Hilly Land	9 34	9 36	11 54	11 59	81 270	12 45	11 27	105 300

Net Returns. (Land Tax Assessment.)	Average per Morgen.		Average in Classification Districts.		The best Class of Tillage is	Of every 1,000 Morgen of Total Area there are assessed.			Extreme Districts.
	Crop-bearing Area.	Tillage.	Lowest.	Highest.		At 6 Sgr. or less.	From 3 to 6 Thalers.	Above 6 Thalers.	
	Sgr.	Sgr.	Sgr.	Sgr.	Sgr.	No.	No.	No.	
A. Magdeburg ..	76·0	75	27 *a*	148 *b*	270	0·0	150·0	25·7	*a.* Gardelegen.
B. Merseburg ..	89·2	89	28 *c*	134 *d*	240	7·3	277·0	16·1	*b.* Wanzleben.
C. Erfurt	68·9	67	24 *e*	94 *f*	270	16·6	185·0	11·6	*c.* Schweinitz.
Province ..	80·8	80	24	148	270	5·3	205·6	19·8	*d.* Mansfeld. *e.* Schleusingen. *f.* Erfurt.
Alluvial Land ..	46·4	45·6	27 *g*	93 *h*	195	6·0	56·9	1·0	*g.* Gardelegen.
Hilly Land	104·6	104·0	24 *i*	148 *k*	270	4·6	337·0	36·4	*h.* Delitzsch.
Province ..	80·8	80	24	148	270	5·3	205·6	19·8	*i.* Schleusingen. *k.* Wanzleben.
Kingdom ..	45·8	44·0	11	214	420	37	48	6	

Saxony has on the north-east a flat and predominating sandy alluvial land, on the south-west the hilly land rising to 3,000 feet of the Brocken and the Thuringia forest. These two divisions occupy each a half of the province. The alluvial land has a proportion of tillage and crop bearing surface equal to the average of the State. The hilly land exceeds it largely. Out of every 1,000 acres 612 are prepared for crops, and of these 591 for tillage. As regards farming, the sandy north-east resembles much the province of Brandenburg, and the south-western mountain land is for many reasons unsuitable to large farms, minutely subdivided, and chiefly under garden cultivation. Between the two a broad band of exceedingly fertile land lies along the foot of the

Large farming.

mountains. The large farming is established upon it and is supported by the great industry of beet-root sugar, which has attained to the most valuable development. This has occurred without driving out the small farming which the climate favours, and the wants of the industrial population support.

Large properties.

In the northern part of the provincial district of Magdeburg the large properties have always a rotation of crops which, in conjuncture with distilling is directed to stall-feeding, by extensive hoed crops or by preference to sheep rearing. The better soils are worked by corn, oil crops, and hoed crops, with several courses of pasturage and fallow; the higher and lighter soils with rye, potatoes, lupines, and sheep pasturing. On such soils white and yellow lupines are very widely spread both for forage and for sub-manure. According to the varying quality of the soil this system varies.

Smaller farms.

The smaller farms retain as a rule the three-field system. In the low lands, however, they are often liberated from the system and farm rather high. On the left of the Elbe they are passing over to a four-field system, with sowing of pasturing grasses. On bad soils of high land the one-field system predominates. As much rye is yearly sown as the time will admit. Whatever tillage remains unsown is in spring filled with oats or potatoes. The land is annually though sparingly manured. There are tillage lands, in which from time immemorial rye and nothing but rye has been cutivated. For boggy land the usual cultivation is by burning the sods, ploughing the clay soil and the sandy sub-soil together, and then, by dressing the surface with turf ashes to prepare the land; and is to sow oil crops, then rye or oats, or according to circumstances hoed crops; and, for re-turfing, corn with clover or Timothy grass (*Phleum pratense*).

In the south portion of the provincial district of Magdeburg the employment of large circulating capital, the number of cattle and draught animals kept, the deep and equal work effected by improved implements and machines, the introduction of considerable quantities of artificial manure have raised the cultivation to a high standard and increased to a large degree the returns of tillage. But everything, even with the small farms, is secondary to the beetroots for the sugar manufacture. The cultivation, as regards the purposes of this report, need not therefore be given in detail.*

Larger properties.

On the alluvial land of the provincial district of Merseburg the larger properties have also a rotation of crops with stall-feeding. If rape be grown, the rotation is, for instance 1, fallow; 2, oil crops highly manured; 3, winter crops; 4, hoed crops; 5, barley or oats; 6, clover or, on the high lands, lupines; 7, winter crops slightly manured; 8, summer crops

Smaller properties.

carried away. The smaller properties have almost unreservedly retained the three-field system with occupied fallow or employ a not more advantageous system of farming. Stall-feeding is everywhere practised, and especial importance is attached to the keeping of horned cattle. The sugar industry influences the cultivation along the foot of the hills.

* Vide, however, a short description of the beet-farming in paragraph 48 of Part V.

In the provincial district of Erfurt a considerable portion of the rural districts are not yet freed from the rights of common, and are still subject to the field compulsion ("Flurzwang") even where it is out of date, because there is no accessibility under the minute subdivision and intersection of land. Consequently, the properties are as a rule farmed on the three-field system with fallow before rye, or forage crop before wheat. There are also four-field farms—1, potatoes; 2, summer corn with clover; 3, clover; 4, winter crops. There are several varieties of such four courses of shift. Where it has been practicable, a many course rotation has been adopted. Around Erfurt itself numerous commercial plants are grown in the fallow. Erfurt is famous for its gardening of such plants and vegetables. On the high ground the fallow is almost always naked, or only exceptionally used for clover or potatoes. The quite small farmers in the mountains who possess too little land from which to feed their families, have a two-year shift of potatoes and rye; and the smaller cultivators, chiefly the inhabitants of forest villages cultivate, in alternate years, only potatoes. Whenever forest and mountain pasturages fail, stall-feeding is the rule.

This Province grows cereals in excess. The importance of beetroot has been noticed. Potatoes have not been much subject to the disease, and the so-called green or Heiligenstadt potato has been very successful. Forage roots are wide spread, and not only the roots but the leaves after preparation are given to milch cows. Lupines are much esteemed. Clover is well known; sainfoin is grown in chalk soils. Lucerne is universal in the Magdeberg district Some others are grown. Of the commercial plants, flax has some importance, and chicory is of great importance. But the cultivation of seeds is of the most importance, and belongs in great part to farming as apart from gardening. Erfurt as has been already noticed, is the centre of this agricultural industry and has been so from ancient times. The district has now widened very considerably westwards and northwards.

Gross produce. Nett Returns.

The Tables of gross produce and of nett returns show in striking contrast the inferiority of the alluvial land and the superiority of the hilly land, The difference would be still greater if the Eichsfeld and two other departments having an elevated and less fertile position, were omitted from the hill land.

Of Westphalia.

43. For the Province of Westphalia, the corresponding three Tables are as follows:—

	Total Area.	Crop-bearing Area.				Tillage.		Extreme Districts.
		Area.	Of Total Area.	In Classification Districts.		Area.	Of Total Area.	
				Lowest.	Highest.			
	Sq. Geo. Miles.	Sq. Geo. Miles.	Per cent.	Per cent.	Per cent.	Acres.	Per cent.	
A. Münster.. ..	131·6	55·2	41·9	26·3 *a*	69·5 *b*	754,963	39·9	*a.* Tecklenburg.
B. Minden	95·4	50·2	52·6	35·2 *c*	71·5 *d*	686,545	50·1	*b.* Steinfurt.
C. Departments Bochum, Dortmund, Hamm, Lippstadt, and Soest ..	41·5	27·2	65·6	60·5 *e*	70·0 *f*	366,590	61·4	*c.* Lübbecke. *d.* Herford. *e.* Dortmund. *f.* Hamm.
D. The other 9 Departments of Arnberg .	98·2	28·4	29·0	14·4 *g*	44·2 *h*	384,823	27·2	*g.* Wittgenstein. *h.* Hagen.
Province ..	366·7	161·0	43·9	14·4	71·5	2,192,921	41·6	
Kingdom ..	4,973·4	2,640·8	53·1	7·6	91·3	36,764,053	51·4	

Gross Produce per Acre.	Wheat.	Rye.	Barley.	Oats.	Potatoes.	Clover.	Rape.	Roots.
	Bushels.	Bushels.	Bushels.	Bushels.	Bushels.	Cwts.	Bushels.	Cwts.
A. Münster..	6 to 22½	4½ to 25	9 to 32	9 to 41	34 to 270	12 to 60	11 to 22½	150 to 300
B. Minden	4½ 32	7 27	9 36	13½ 45	36 180	7½ 54	..	45 180
C. Departments Bochum, Hamm, Soest, &c.	11 27	9 29	11 45	11 45	68 225	15 45	..	150 225
D. The other 9 Departments of Province of Arnsberg ..	9 25	9 27	13½ 34	11 45	45 216	15 45	9 22½	..

Net Returns. (Land Tax Assessment.)	Average per Morgen.		Average in Classification Districts.		The best Class of Tillage is	Of every 1,000 Morgen of Total Area there are assessed.			Extreme Districts.
	Crop-bearing Area.	Tillage.	Lowest.	Highest.		At 6 Sgr. or less.	From 3 to 6 Thalers.	Above 6 Thalers.	
	Sgr.	Sgr.	Sgr.	Sgr.	Sgr.	No.	No.	No.	
A. Münster.. ..	58·0	55	44 *a*	59 *b*	180	7·1	39·1	..	*a.* Borken.
B. Minden	64·6	61	37 *c*	83 *d*	225	7·4	91·0	4·6	*b.* Münster, Reckling-hausen.
C. Departments Bochum, Dortmund, Hamm, Lippstadt, and Soest ..	105·5	100	81 *e*	116 *f*	255	1·9	308·7	25·9	*c.* Paderborn. *d.* Minden. *e.* Lippstadt. *f.* Soest.
D. The other 9 Departments of Arnsberg.	37·6	33	18 *g*	58 *h*	180	14·8	9·9	..	*g.* Wittgenstein. *h.* Iserlohn.
Province ..	64·0	60	18	116	255	8·7	77·6	4·1	
Kingdom ..	45·8	44	11	214	420	37	48	6	

The styles of farming in various parts of this province are manifold, not *only on* account of the contrasts of physical conformation and of soil, but also on account of the peculiarity of the farming in common of so called "Vöhde" and so called "Esche," so that from very olden times only a very small area of tillage has been cut up and subjected to field compulsion in the Münster plain, and the greater part of the provincial district of Münster. Thus the provincial district of Münster has an almost entirely free farming. The properties are generally of medium size; the tillage forms no high proportion of the area. In some parts the soil is such that particular rotations of crops cannot easily be carried out. Moreover, stagnant moisture and late spring frosts interfere with many years of shift of crops. A one- and a two-field system seem to have obtained from ancient times, which, not being subject to field compulsion, could easily be converted into any form of farming. In the Ems territory the sandy soil is often made to grow rye crop after rye crop, which is only now and then and generally in undetermined years exchanged for buck wheat or potatoes. The strength of the land is maintained by the annual sod-manuring* of long-standing custom, which visibly improves the tillages with its sand and mould. Thus large districts, which under careless treatment would become wastes, are kept fertile. It is now sought to extinguish the right of sod cutting in the woods, &c., by a commutation of the existing rights, and by a substitution of marl dressings. On the lower soils sod-manuring is, as a rule, used every other year; and by a continuous succession of winter crops and summer crops, straw crops are almost exclusively raised. Without sod-manuring the succession passes from 1, rye; 2, rye: 3, oats or buck wheat, through 4, 5, 6, and 7, pasturage into grazing farming, which has always been a chief feature of the farming of the "Vöhde" and "Esche." On heavy clay soils a fixed six-field system of, for instance, 1, rye; 2, wheat; 3, barley; 4, clover; 5, wheat; 6, oats, is used. The pasturage of horned cattle is universal.

In the provincial district of Minden the three-field system is predominant in certain parts, the fallow being occupied in summer in the more favourable positions, but being bare in the less favourable positions. North-west in the Weser valley, a four field system of 1, naked fallow; 2, winter rye or wheat; 3, barley or oats; 4, oats; crops for dry fodder or potatoes, which by an inserted course of pulse crops becomes a five-field system in some places. The larger properties rely chiefly on sheep rearing. The five-field system, with a variety of succession of crops obtains in the west of the district. But on the marshy lands an interchange of two winter crops and three clover, and the like in the fallow is customary.

Larger properties.

In the provincial district of Arnsberg, the rotation of crops is general, so far as regards the so-called five fertile departments of the Haarstrang Hills. It is practised as a three- or six-field course, with high manuring. Modified three-field systems are also in use. On loamy sand soils the succession of 1, potatoes; 2, rye; 3, oats, without fallow is frequent. Pure fallow is only partially retained on the higher land, and chiefly before rape. In the Soest borders, on the other hand, where fallow had fallen into disuse, it has again become the rule, about every fifth year, for the high manuring which was substituted for it is said to have caused weeds to get the upper hand, and the corn produce to lessen. In the nine departments of high mountain land there are few favourable tracts of land. Forest cultivation and low farming in a few small districts exist side by side. There is, for instance, an eighteen-year course, called "Hauberg" farming, in which rye is once sown amongst the tree-roots. Elsewhere on moors rye or oats are sown two years in succession out of

Farming in the forests.

* The sods are heather sods, containing the roots. Vide paragraph at end of subdivision *b* of division B of Part V, for information, subsequently acquired, which turns these *present* tenses into long *past* tenses.

ten or twenty. Here, too, the in-field and out-field system of the "Countryman's Rudiments" exists. But in other parts the three-field system, with various modifications, obtains; and lastly, in one or two districts, this passes into the five field, and becomes in Siegen a rather better system with five to seven shifts.

Gross produce.

As regards the Table of gross produce it may be remarked that wheat, formerly restricted to the clay soils of the Münster district, to the Haarstrang and Hellweg districts, has within the last decade extended itself successfully to the sand soils of the western part of the province. The chief crop varies from wheat to roots and the chief forage crop is red clover.

Nett Returns.

As regards the Table of nett returns the province is very considerably above the average of the State. The Minden district is about the average, and with the exception of the five fertile departments of the Haarstrang, of which the high average far more than counterbalances their low average, all other districts are below the average. The contrast is enormous. Wittgenstein has an average of only 18 silbergroschen, whereas in Soest the average runs to 115 silbergroschen.

Of Rhineland.

44. Lastly, the Rhine Province, offers for comparison with other provinces and for appreciation of its agricultural importance, the points of interest set forth in the following three Tables:—

	Total Area.	Crop-bearing Area.				Tillage.		Extreme Districts.
		Area.	Of Total Area.	In Classification Districts.		Area.	Of Total Area.	
				Lowest.	Highest.			
	Sq. geog. Miles.	Sq. geog. Miles.	Per cent.	Per cent.	Per cent.	Acres.	Per cent.	
A. Düsseldorf	99·3	58·6	59·0	37·2 *a*	88·3 *b*	783,928	54·9	*a.* Rees.
B. Cologne	72·2	41·7	57·7	39·2 *c*	83·4 *d*	562,252	54·1	*b.* Grevenbroich.
C. Aix-la-Chapelle	75·4	34·3	45·4	7·6 *e*	91·3 *f*	473,188	43·6	*c.* Waldbroel.
D. Coblenz	109·3	44·4	40·7	17·1 *g*	75·0 *h*	596,507	37·9	*d.* Cologne.
E. Treves	130·3	55·7	42·6	22·4 *i*	63·4 *k*	767,024	40·9	*e.* Eupen.
								f. Erkelenz.
Province	486·6	234·6	48·2	7·6	91·3	3,182,902	45·5	*g.* Mosel.
Of these—								*h.* Andernach.
The Northern Part	174·2	107·8	61·9	7·6 *l*	91·3 *m*	1,521,516	57·6	*i.* Prüm.
The Southern Part	312·4	126·8	40·7	17·1 *n*	75·5 *o*	1,661,386	38·4	*k.* Welschbillig.
								l. Eupen.
Province	486·6	234·6	48·2	7·6	91·3	3,182,902	..	*m.* Erkelenz.
								n. Mosel.
Kingdom	4973·4	2640·8	53·1	7·6	91·3	55,146,079	51·4	*o.* Andernach.

Gross Produce per Acre.	Wheat.	Rye.	Barley.	Oats.	Potatoes.	Clover.	Rape.	Roots.
	Bushels.	Bushels.	Bushels.	Bushels.	Bushels.	Cwt.	Bushels.	Cwt.
A. Düsseldorf	9 to 34	7 to 29	9 to 46½	9 to 61	54 to 202½	15 to 60	11 to 27	180 to 270
B. Cologne	13½ 34	11 34	9 56	16 68	54 162	12 60	..	150 225
C. Aix-la-Chapelle	9 34	9 34	7 49½	7 54	45 180	12 45	27	..
D. Coblenz	9 27	9 27	11 36	11 41	36 135	12 45	..	..
E. Trèves	4½ 25	4½ 25	4½ 45	9 41	34 202½	7½ 60	..	..
The North Part	9 34	7 34	7 56	11 68	45 202½	12 60	11 to 27	150 to 270
The South Part	4½ 27	4½ 27	4½ 45	7 54	34 202½	7½ 60	..	..

Nett Returns. (Land Tax Assessment.)	Average per Morgen.		Average in Classification Districts.		The best Class of Tillage.	Of every 1,000 Morgen of total Area there are Assessed			Extreme Districts.
	Crop-bearing Area.	Tillage.	Lowest.	Highest.		At Sgr. or less.	From 3 to 6 Thalers.	Above 6 Thalers.	
	Sgr.	Sgr.	Sgr.	Sgr.	Sgr.	No.	No.	No.	
A. Düsseldorf	109·5	98	43 *a*	180 *b*	270	..	194·3	56·9	*a.* Lennep.
B. Cologne	117·4	101	25 *c*	155 *d*	300	3·8	182·1	82·8	*b.* Grevenbroich.
C. Aix-la-Chapelle	102·2	98	18 *e*	175 *f*	300	5·4	138·2	77·6	*c.* Waldbroel.
D. Coblenz	63·3	57	15 *g*	108 *h*	330	20·1	53·1	10·9	*d.* Cologne.
E. Trèves	43·0	41	19 *i*	62 *k*	270	8·0	28·4	2·8	*e.* Malmedy.
									f. Jülich.
Province	81·7	77	15	180	330	8·1	107·4	38·0	*g.* Adenau.
Of these—									*h.* Coblenz.
The Northern Part	119·1	113·0	71 *l*	180 *n*	300	1·1	236·0	96·2	*i.* Daun, Prüm.
The Southern Part	50·5	45·9	15 *m*	108 *o*	330	12·0	36·0	5·3	*k.* Saarbrücken.
									l. Mühlheim.
Province	81·7	77	15	180	330	8·1	107·4	38·0	*m.* Adenau.
									n. Grevenbroich.
Kingdom	45·8	44·0	11	214	420	37	48	6	*o.* Coblenz.

A distinction has been drawn between the northern and the southern division, for in this province more than in probably any other the geological character, which has caused a sharply defined contrast between its component parts, causes the great contrast in its agricultural conditions. In other provinces the contrast has been between mountain and plain, in this it is between the bare Graywacke mountains of the larger southern division and the fertile, partly mountain, partly alluvial, land of the smaller northern division. The

characteristic of the husbandry of the province is the minute subdivision of the area of tillage and garden land. Consequently spade husbandry extends over a considerable portion of the moderate proportion of tilled land in the province.

In the provincial district of Düsseldorf a free system of farming with a course of pasturage for one or more years obtains universally on the fertile plains and low lands The pasturage land is one-fourth to one-third of the tillage. There is no unchangeable rotation of crops, but the following are examples for heavy and light land respectively. For heavy land—1, fallow; 2, rape; 3, wheat; 4, rye; 5, clover; 6, oats; 7, turnips or potatoes; 8, wheat; and for light land—1, clover; 2, rye; 3, oats; 4, potatoes; 5, rye; 6, buckwheat; 7, oats. The manuring is high. Wheat and clover are grown on sandy soils where the success under other conditions would be scarcely possible. The rape crops are not so good as formerly. As regards the higher lands, the larger properties follow generally the rotation—1, clover; 2, oats and barley; 3, potatoes and turnips; 4, wheat; 5, rye, and spring turnips; 6, buckwheat and potatoes; 7, rye or wheat. Stall-feeding is every where introduced. In one department the three-field, or a scarcely better system is retained.

Larger farms.

In the provincial district of Cologne the predominant cultivation on the plain is garden cultivation. Around Cologne and Bonn, commercial crops and vegetables and some beetroots are raised. On the larger properties the succession, for example, is—1, early potatoes and rye for fodder, with heavy manuring; 2, winter barley; 3, wheat or rye with clover after fresh manuring; 4, clover; 5, oats; 6, winter crops, rye or wheat, turnips being sown in the stubble. On smaller properties the succession often is—1, winter cereals; 2, winter crops with clover; 3, clover; 4, winter crops, with turnips in the stubble; 5, oats. It is nearly everywhere practicable to follow a cereal with another crop in the stubble. On the outlying elevated land of the mountains the soil is very variable. The farming is said to be very high ("sehr intensive") and manuring is used to nearly every crop. Fallow occurs, however, on the better soils every ninth or twelfth year, and on the worse soils, every fourth year in order to extirpate the weeds. As a rule the cereals exceed two-thirds of the area farmed, and the winter crops occupy about one-half of this. In the departments amongst the hills the more intensified farming occurs only in the valleys. Much land is left for grazing. Elsewhere the three-field system mostly remains. This is not only caused by the unnatural difficulty of inaccessibility in consequence of the subdivision of lands in each district. In some places a barbarous cultivation obtains such as of oats after oats, and rye after rye, till the land is exhausted. The more intelligent cultivators, however, are seeking to follow a scientific rotation and to adopt clover crops, so far as climate and soil will admit.

Larger properties.

Smaller farms.

The provincial district of Aix-la-Chapelle is similar to that of Cologne. On the plain and along the slope of the Eifel the husbandry is very intensified. In some districts, however, the farming is quite different, for in them the greater portion of tillage lies fallow eight to ten years, is then prepared for cropping, bears rye and then oats twice or thrice running, and then returns to fallow. Where the soil is rather better, another crop, potatoes or other, is introduced. On distant properties, where manure entirely fails, the soil is prepared by burning and the rye is sown, and after oats in the second year the soil is exhausted and must rest for twelve or twenty or more years. Small "parcels" grow potatoes and oats. Stall-feeding forms only isolated exceptions.

The provincial district of Coblentz is entirely within the unfavourable southern division. The moorland ("Schiffelland") occupies an extended space, so that only the narrow valleys remain for regular cultivation. Here the associations for cultivation in common occur frequently. The stump cultivation ("Rottban") and the bark-cutting ("Lohhecken") appear to be a vital condition for the middle and less-monied classes of the population. The succession of the cultivation takes place in fifteen years. For twelve years wood is grown, then the wood is cut down to the stumps, and then three years of crops follow this—1, rye; 2, potatoes; 3, oats, some barley, summer rape, and the like. On worse soils, only one crop of oats or rye can be raised. The tilling labour is exceedingly hard, and can as a rule be carried out only by manual labour. The lands in constant tillage are usually subject to a three-field system with forage crops in the fallow field, rye-wheat or spelt-wheat in the winter field, and chiefly oats in the summer field; and occasionally two-, four-, or five-field system. In several places the Palatinate two-field system of corn, alternately with vegetables and hoed crops, obtains. In this southern division of the provincial district the right of stubble grazing is widely spread, and that of grazing extends throughout all seasons even in the meadows. Local custom and tradition have fixed a code, so to speak, of bye laws for its due regulation. In Wetzlar the three-field system with field compulsion is universal. In the meadows along the Rhine there is, on the contrary, a rotation of crops supported by high manuring.

The provincial district of Treves is similar to the preceding. Here, too, the associa-

tions, as well as the communalties, utilize the land in common. Here, too, the wide reaching right of stubble grazing recurs. Here, too, the numberless "parcels" without accommodation ways enforce the three-field farming of tradition, which in consequence of the extensive forest grazing lands is not so prejudicial, as it might be. There are even communalties endeavouring to re-introduce the common of sheep grazing. Where compactness and accessibility admit, a rotation of crops has been adopted. An example on the Treves low land is—1, barley; 2, rye; and spring turnips; 3, potatoes; 4, barley; 5, rye; 6, clover; 7, barley; 8, rye and spring turnips; 9, potatoes, with heavy manuring in first and fourth, and half manuring in third, seventh, and ninth shift. On the chalk hills of Saarlouis, the greater farms use—1, wheat (little rye) with 160 to 200 cwt. of shed manure; 2, barley, or mixed oats and barley; 3, two-thirds fallow, one-third potatoes; 4, pulse crops and clover. But the greater portion of the valley lowlands and of the fertile soils are utilized in small "parcels" by garden cultivation. Larger farms.

The Table of gross produce corresponds to what one would expect to find under the agricultural conditions as compared with other provinces. The Table of nett returns shows the contrast between the northern and southern divisions most distinctly. Gross produce. Nett returns.

45. The tillage conditions of each province having been thus rapidly regarded, the following Tables for purposes of comparison are inserted also from Dr. Meitzen's book :— General comparison.

	Total Area.	Crop-bearing.		Tillage to Total Area.	Average Nett Return per Morgen.		The best Class of Tillage is	Of every 1,000 Morgens of Total Area there are assessed.		
		Area.	Of Total Area.		Crop-bearing Area.	Tillage.		At 6 Sgr. or less.	From 3 to 6 Thalers.	Above 6 Thalers.
	Sq. Geo. Miles.	Sq. Geo. Miles.	Per cent.	Per cent.	Sgr.	Sgr.	Sgr.	No.	No.	No.
1. East Prussia—										
High land	235·3	110·0	46·8	45·9	13·9	13·4	90	134	..	..
Middle land	415·4	224·7	54·5	52·8	28·4	28·1	120	11	1	..
Low land	20·8	4·8	23·1	21·1	59·0	60·0	108	1	5	..
West Prussia—										
High land	152·7	71·9	47·0	46·3	13·9	13·7	81	201	3	..
Middle land	266·2	150·8	56·6	55·6	27·9	27·7	135	55	0	..
Low land	43·5	23·1	53·2	50·7	74·1	73·2	165	3	119	..
2. Provincial District—										
Köslin	255·0	134·6	52·8	52·0	21·7	21·0	120	130	2	..
Stettin	218·7	22·0	55·8	54·5	37·9	27·0	180	25	7	..
Stralsund	73·2	48·4	66·1	64·6	63·0	62·0	180	8	58	..
3. Provincial District—										
Bromberg	207·7	152·2	58·2	57·0	28·7	28·0	120	42	2	..
Posen	317·7	238·3	62·7	61·3	26·5	26·0	120	30	0	..
4. Low land of Oder and Warthe, in Brandenburg	22·2	14·0	63·1	61·4	99·1	99·0	240	..	221	42
The rest of Provincial District:										
Frankfort	331·1	153·2	46·3	44·8	34·8	32·0	165	42	9	..
Potsdam	371·1	176·8	47·6	46·1	37·7	35·0	180	33	8	..
5. Silesia—										
Mountain land	70·8	35·8	50·5	47·9	39·3	37·0	165	4	17	..
The fertile districts left of Oder	259·7	183·3	70·7	67·3	72·0	70·0	180	8	144	..
The rest of Silesia	400·7	191·5	47·8	45·9	32·4	31·0	135	14	8	..
6. Saxony—										
Alluvial land	223·3	115·2	53·9	52·1	46·4	45·6	195	6	57	1
Hilly land	234·9	165·2	67·8	65·1	104·6	104·0	270	5	337	36
7. Provincial District—										
Münster.	131·6	55·2	41·9	39·9	58·0	55·0	180	7	39	..
Minden	95·4	50·2	52·6	50·1	64·6	61·0	225	7	91	5
Departments Bochum, &c. ..	41·5	27·2	65·6	61·4	105·5	100·0	225	2	308	26
The other 9 of Arnsberg ..	98·2	28·4	29·0	27·2	37·6	33·0	180	15	10	..
8. Rhineland—										
Northern	174·2	107·8	61·9	57·6	149·1	113·0	300	1	236	96
Southern	312·4	126·8	40·7	38·4	50·5	45·9	330	12	36	5
Kingdom	4,973·4	2,640·1	53·1	51·4	45·8	44·0	220	37	48	6

Net Returns.	Of every 1,000 Morgens of Total Area, there are—											
	At 1 to 6 Sgr.	At 6 to 15 Sgr.	At 15 Sgr. to 1 Thaler.	At 1 to 2 Thalers.	At 2 to 3 Thalers.	At 3 to 4 Thalers.	At 4 to 5 Thalers.	At 5 to 6 Thalers.	At 6 to 7 Thalers.	At 7 to 10 Thalers.	At 10 to 26 Thalers.	Total.
Tillage:—												
Prussia	72·30	126·60	175·40	106·30	18·80	4·30	1·00	0·10	...	...	...	505·00
Pomerania	72·00	108·80	144·40	143·80	65·20	7·20	5·10	0·50	...	...	...	547·00
Posen	35·00	93·30	321·50	136·20	9·10	0·90	...	...	...	...	...	596·00
Brandenburg	36·20	84·40	114·10	155·10	52·80	10·50	2·10	2·50	1·10	0.20	...	459·00
Silesia	10·90	56·80	141·60	185·60	91·30	43·50	9·30	1·00	...	...	...	540·00
Saxony	5·30	63·10	104·60	111·30	81·30	96·00	56·40	53·20	16·80	3·00	...	591·00
Westphalia	8·70	45·10	86·50	113·90	80·10	47·00	18·00	12·60	3·00	1·00	...	416·00
Rhineland	8·10	54·60	90·10	94·00	62·80	52·30	26·00	29·10	21·50	16·30	0·2	455·00
Kingdom	36·90	85·70	151 60	132·60	53·00	27·20	11·50	9·30	4·10	2·10	0·0	514·00
Garden Land:—												
Prussia	...	0·42	0·99	1·37	0·68	0·36	0·13	0·02	0 02	0·01	...	4·00
Pomerania	...	0·08	0·55	0·90	0·77	0·45	0·06	0·15	0·01	0·03	...	3·00
Posen	...	0·53	1·34	2·03	0·73	0·21	0·14	0·01	0·01	...	...	5·00
Brandenburg	...	0·60	1·08	3·07	1·85	0·79	0·13	0·19	0·07	0·11	0·11	8·00
Silesia	...	0·22	0·86	2·15	1·94	1·42	0 82	0·32	0·03	0·24	...	8·00
Saxony	...	0·54	1·10	1·95	1·47	1·58	0·78	0·97	0 29	0·30	0·02	9·00
Westphalia	...	0·02	0·24	1·44	1·40	1·80	1·50	0·84	0·71	0·93	0·12	9·00
Rhineland	...	0·33	0·50	1·48	1·85	2·06	1·45	1·21	0·84	2·10	1·18	13·00
Kingdom	...	0·36	0·88	1·83	1·31	0·99	0·54	0·38	0·19	0·37	0·15	7·00
Crop-bearing Area:—												
Prussia	72·30	127·86	178·37	110·41	20·84	5·58	1·39	0·16	...	0·03	...	517·00
Pomerania	72·00	109·09	146·42	147·10	68·02	8·85	5·32	1·05	...	0·11	...	558·00
Posen	35·00	94·79	325·25	141·88	11·14	1·49	0·39	0·03	...	...	...	610·00
Brandenburg	36·20	85·60	116·26	161·24	56·50	12·08	2·36	2·88	...	0·42	0·22	475·00
Silesia	10·90	57·38	143·86	191·24	96·39	47·23	11·45	1 84	...	0·63	...	561·00
Saxony	5·30	64·36	107·17	115·85	84·73	99·69	58·22	55·46	...	3·70	0·05	612·00
Westphalia	8·70	45·15	87·11	117·58	83·68	51·60	21·33	14·75	...	3·48	0·31	439·00
Rhineland	8·10	55·29	91·14	97·07	66·64	56·58	29·01	31·61	...	20·66	2·65	482·00
Kingdom	36·90	86·57	153·74	137·05	56·18	29·61	12·81	10·22	...	3·00	0·36	531·00

46. In addition, the following Comparative Statement can be constructed:—

The Larger Proprietors have—	The Smaller Proprietors have—
In East Prussia:—	
Rotation (4). Manuring defective. Fallow, seldom naked.	Three-field system. Manuring defective. Fallow, naked.
Rotation various. Manuring low. Fallow, naked, or occupied.	Three-field system. Manuring low. Fallow, naked, or occupied.
In Pomerania:—	
Rotation (6 or 7). Manuring low or medium. Fallow, rarely naked.	Three-field, or rotation (4 or more). Manuring defective or low. Fallow, usually occupied.
In Posen:—	
Rotation (various). Manuring low or medium. Fallow, occupied.	Three-field or rotation. Manuring low. Fallow, partly or entirely occupied.
In Brandenburg:—	
Rotation (4 to 6). Manuring low. Fallow, occupied or none.	Modified three-field. Manuring low. Fallow, occupied.
In Silesia:—	
Rotation (4 or more). Manuring low or medium. Fallow, seldom naked.	Three-field or modified, or rotation. Manuring defective. Fallow, dressed, or occupied.
In Saxony:—	
Rotation (various) with advanced farming. Manuring medium or high. Fallow, none, or occupied.	Three to five-field system, and rotation. Manuring medium. Fallow, usually occupied, or pasturage.
In Westphalia:—	
Rotation (various or free). Manuring medium. Fallow occupied, or pasturage.	Three to five-field system. Manuring medium. Fallow usually occupied, or pasturage.
In Rhineland:—	
Rotation (various or free). Manuring low or medium, or high. Fallow seldom, and occupied.	Three-field or free. Manuring low or medium, or high. Fallow, occupied, or none.

Wherever the so-called garden-cultivation occurs, it is in an advanced state, whether it is practised in large or small properties, with plough or spade. In the preceding statement the endeavour has been to give the prevailing characteristics of the husbandry of each class of proprietors. Thus, in West Prussia there are many smaller proprietors, who have advanced far beyond the three-field system. Details of this kind must be sought out in the preceding paragraphs, where, so far as time and space have permitted, they are given. With regard to ploughing and stall-feeding no comparison could be made, because the former is seldom deep ploughing, and the latter is in about the same condition both on the larger and smaller properties. It has been impossible to institute any general comparison between proprietors and tenants. But, except perhaps in the case of large tenants, there seems to be no general appreciable difference between their cultivation and that of proprietors of holdings of a similar size. The tenant is very seldom (as regards small holdings) a tenant in order to use his capital as circulating capital, but usually a tenant because he has no capital with which to buy a farm.

(*e*).—*Meadows and Pasturages.*

47. In order to complete the outline of the agricultural state of Prussia, it is necessary to add to the foregoing Tables and paragraphs some Tables and remarks upon the meadows and pasturages of the Kingdom. The cultivation of meadows has been especially studied in Prussia. The Siegen system of irrigation, already referred to in this report, has become famous. The Petersen system of meadow cultivation has, in more recent times, attracted much notice. This rests upon the idea that a meadow should not only be watered on the surface, but should be moistened from below by water, manured or not, in drains. The super-irrigation can be left out and only the sub-irrigation used. The apparatus of drain-pipes, &c., is in this Kingdom laid down for about 8 guineas per acre. A third system, the St. Paul system, acts without any irrigation at all. It is solely carried out by compost manure, and has had very good results on deficiently watered estates. Every fourth year a good compost earth is harrowed into the meadows in spring and some new grass seed sown. For boggy lands there is a special system called the damming cultivation. Pasturages receive only exceptionally any attention as to cultivation. Moreover, in a considerable number of districts where the separation of commons has taken place, and where the advantages and applicability of stall-feeding have commanded assent, the broad, open pasturages have dwindled down to insignificant sizes. Where they still exist, they are either of very moderate quality or are unfavourably situated as to climate. **Modes of scientific irrigation.**

48. The distribution of meadows and pasturages, as well as the other chief points of interest, can be seen in the following Table:— **Distribution of meadows, &c.**

	Area of		Proportion to Total Area.			Extreme Per-centages in Classification Districts.						Average Nett Return per Morgen.			Average Nett Return of Extreme Classification Districts.			
						Meadows.		Pasturages.		Grass-bearing Area.					Meadows.		Pasturages.	
	Meadows.	Pasturages.	Meadows.	Pasturages.	Grass-bearing Area.	Highest.	Lowest.	Highest.	Lowest.	Highest	Lowest.	Meadows.	Pasturages.	Grass-bearing Area.	Highest.	Lowest.	Highest.	Lowest.
PRUSSIA—	Morgen.	Morgen.	Per cent	Per cent.	Per cent.	Per cent.	Per cent.	Per cent.	Per cent.	Per cent.	Per cent.	Sgr.	Sgr.	Sgr.	Sgr.	Sgr.	Sgr.	Sgr.
A. Highland—																		
East Prussia	609,931	579,695	12·0	11·4	23·4	18	8	18	6	29	16	16·3	4·9	10·7	23	12	8	3
West Prussia	156,720	605,519	4·8	18·4	23·2	6	4	25	8	30	13	20·9	2·7	6·4	28	16	6	2
Total	766,651	1,185,214	9·2	14·1	23·3	18	4	25	6	30	13	17·2	3·8	9·0	28	12	8	2
B. Middle land—																		
East Prussia	1,209,814	834,431	13·5	9·3	22·8	18	8	31	3	49	16	32·3	12·3	24·2	64	21	29	5
West Prussia	358,061	508,701	6·2	8·9	15·1	10	3	16	4	22	12	28·6	4·4	14·4	55	17	11	3
Total	1,567,875	1,343,132	10·7	9·1	19·8	18	3	31	3	49	12	31·4	9·3	21·0	64	17	29	3
C. Low land—																		
East Prussia	175,059	33,935	39·1	7·6	46·7	54	22	16	2	61	23	44·9	24·2	41·5	77	38	38	16
West Prussia	229,990	42,481	24·4	4·5	28·9	56	7	14	4	38	10	75·7	18·0	66·5	94	51	31	3
Total	405,049	76,416	29·2	5·5	34·7	56	7	16	2	61	10	62·2	20·7	55·5	94	38	38	3
Province	2,739,575	2,604,762	11·2	10·7	21·9	56	3	31	2	61	10	32·0	7·1	19·9	94	12	38	2
POMERANIA—																		
Köslin, Provincial District	403,304	631,789	7·3	11·5	18·8	10	5	20	9	25	14	30	3	13·5	38	21	5	2
Stettin, Provincial District	626,605	326,752	13·3	6·9	20·2	19	7	12	3	29	14	36	10	27·1	59	18	21	5
Stralsund, Provincial District.. ..	171,062	78,835	10·8	5·0	15·8	14	6	7	4	18	13	43	17	34·8	52	34	28	14
Province	1,200,971	1,037,376	10·2	8·8	19·0	19	5	20	3	29	13	35	7	22·0	59	18	28	2
POSEN—																		
Bromberg, Provincial District ..	386,162	288,513	8·6	6·5	15·1	14	5	10	4	21	11	38	12	26·9	62	28	16	8
Posen, Provincial District	558,892	284,549	8·1	4·2	12·3	14	5	6	2	17	9	32	10	24·6	53	18	19	6
Province	945,054	573,062	8·3	5·1	13·4	14	5	10	2	21	9	34	11	25·1	62	18	19	6
BRANDENBURG—																		
A. Low land—																		
Frankfort	68,500	19,800	18·2	5·3	23·5	30	4	13	2	40	5	94·4	21·7	77·6	111	54	23	18
Potsdam	31,800	3,600	31·5	3·6	35·1	62	15	8	1	70	16	89·2	38·2	83·9	90	89	39	34
Total	110,300	23,400	21·0	4·9	25·9	62	4	13	1	70	5	92·1	24·2	78·8	111	54	39	18
B. High land—																		
Frankfort	557,197	261,217	7·8	3·7	11·5	16	2	8	2	19	6	39·5	7·3	29·2	92	25	16	2
Potsdam	929,847	437,144	11·6	5·5	17·1	25	3	13	2	36	5	33·6	18·3	29·0	131	21	33	1
Total	1,487,044	698,361	9·9	4·6	14·5	25	2	13	2	36	5	35·7	14·1	29·3	131	21	33	1
Province	1,587,344	721,761	10·2	4·6	14·8	62	2	13	1	70	5	39·0	14·5	31·3	131	21	39	1

	Area of		Proportion to Total Area.			Extreme Per-centages in Classification Districts.						Average Nett Return per Morgen.			Average Nett Return of Extreme Classification Districts.			
						Meadows.		Pasturages.		Grass-bearing Land.					Meadows.		Pasturages.	
	Meadows.	Pasturages.	Meadows.	Pasturages.	Grass-bearing Area.	Highest.	Lowest.	Highest.	Lowest.	Highest.	Lowest.	Meadows.	Pasturages.	Grass-bearing Area.	Highest.	Lowest.	Highest.	Lowest.
	Morgen.	Morgen.	Per cent.	Per cent.	Per cent.	Per cent.	Per cent.	Per cent	Per cent.	Per cent.	Per cent.	Sgr.	Sgr.	Sgr.	Sgr.	Sgr.	Sgr.	Sgr.
SILESIA—																		
A. Mountain land—																		
Breslau	71,363	16,262	8·5	1·9	10·4	11	8	3	1	12	10	50·1	6·9	41·9	63	42	12	5
Liegnitz	90,372	10,646	12·2	1·4	13·6	17	8	2	1	18	9	45·8	6·5	41·5	56	34	11	3
Total	161,732	26,908	10·3	1·7	12·0	17	8	3	1	18	9	47·6	6·7	41·7	63	34	12	3
B. Fertile districts left of Oder—																		
Oppeln	119,072	14,007	7·2	0·8	8·0	9	4	2	0	10	4	75·9	21·2	70·1	93	70	32	10
Breslau	175,764	18,997	8·0	0·9	8·9	10	5	11	0	18	5	74·9	24·0	69·9	94	62	37	9
Liegnitz	126,909	10,725	10·5	0·9	11·4	16	6	1	0	17	7	72·8	12·5	68·0	107	48	22	4
Total	421,745	43,729	8·3	0·9	9·2	16	4	11	0	18	4	74·6	29·5	69·5	107	48	37	4
C. Department Glogau	41,193	7,909	11·2	2·2	13·4	11		2		13		45	12	39·6	45		12	
D. Rest of Province—																		
Oppeln	273,837	101,439	7·8	2·9	10·7	11	5	4	1	14	7	34·8	9·5	28·0	56	20	13	6
Breslau	238,978	45,777	10·6	2·0	12·6	12	8	3	1	15	10	48·3	15·4	43·0	58	33	19	10
Liegnitz	273,933	67,974	9·1	2·2	11·3	13	6	4	1	14	9	42·9	14·6	37·3	60	32	24	7
Total	786,748	215,190	9·0	2·4	11·4	13	5	4	1	15	7	41·7	12·4	35·4	60	20	24	6
Province	1,411,418	293,736	9·0	1·9	10·9	17	4	11	0	18	4	52	13	45·2	107	20	37	3
SAXONY—																		
A. Alluvial land—																		
Magdeburg	358,000	340,000	12·6	11·9	24·5	16	10	15	7	30	18	45·4	13·2	29·7	66	38	24	8
Merseburg	255,000	45,000	14·4	2·5	16·9	23	8	3	1	25	10	46·4	14·0	41·5	90	23	29	11
Total	613,000	385,000	13·3	8·3	21·6	23	8	15	1	30	10	45·8	13·3	33·3	90	23	29	8
B. Hilly land—																		
Magdeburg	116,105	43,870	7·0	2·7	9·7	9	5	5	1	13	7	95·7	26·7	77·2	168	71	56	11
Merseburg	102,891	42,498	4·6	1·9	6·5	9	2	4	1	11	4	113·0	20·4	86·2	135	90	63	7
Erfurt	83,820	42,006	6·1	3·1	9·2	12	3	6	1	14	6	84·4	11·0	60·0	136	34	26	6
Total	302,816	128,374	5·8	2·4	8·2	12	2	6	1	14	4	98·4	19·5	75·0	168	34	63	6
Province	915,816	513,374	9·3	5·2	14·5	23	2	15	1	30	4	63·2	14·8	45·8	168	23	63	6

	Area of		Proportion to Total Area.			Extreme Per-centages in Classification Districts.						Average Nett Return per Morgen.			Average Nett Return of Extreme Classification Districts.			
						Meadows.		Pasturages.		Grass-bearing Area.					Meadows.		Pasturages.	
	Meadows.	Pasturages.	Meadows.	Pasturages.	Grass-bearing Area.	Highest.	Lowest.	Highest.	Lowest.	Highest.	Lowest.	Meadows.	Pasturages.	Grass-bearing Area.	Highest.	Lowest.	Highest.	Lowest.
WESTPHALIA—	Morgen.	Morgen.	Per cent.	Per cent.	Per cent.	Per cent.	Per cent.	Per cent.	Per cent.	Per cent.	Per cent.	Sgr.	Sgr.	Sgr.	Sgr.	Sgr.	Sgr.	Sgr.
A. Minden	205,037	272,977	10·9	13·3	23·3	20	6	23	3	43	12	67	17	38·5	115	41	50	5
B. Münster	198,822	836,910	7·0	29·5	36·5	12	4	46	13	52	17	54	15	22·6	74	40	40	7
C. Departments Bochum, Hamm, Soest, &c.	44,800	92,200	5·0	10·3	15·3	7	4	13	7	20	13	129	90	102·8	114	103	124	59
The rest of Provincial District of Arnsberg	162,783	167,911	7·7	7·9	15·6	11	6	22	2	33	10	60	18	38·7	101	33	124	3
Total of C	207,583	260,111	6·9	8·6	15·5	11	4	22	2	33	10	75	43	57·2	141	33	124	3
Province	611,442	1,369,998	7·7	17·3	28·0	20	4	46	2	52	10	66	21	34·9	141	33	124	3
RHINELAND—																		
Düsseldorf	128,199	244,033	6·0	11·4	17·4	11	1	33	0	35	6	98	102	..	211	60	168	6
Cologne	83,853	38,831	5·4	2·5	7·9	9	1	8	0	14	1	75	9	..	163	47	53	2
Aix-la-Chapelle	126,874	293,250	7·8	18·0	25·8	24	2	38	4	46	8	69	23	..	161	32	194	3
Coblenz	191,231	137,196	8·1	5·8	13·9	15	4	23	0	31	4	64	5	..	109	36	8	3
Treves	267,642	310,975	9·5	11·1	20·6	14	6	38	1	48	7	72	5	..	167	28	10	4
Province	797,799	1,024,285	7·6	9·8	17·4	24	1	38	0	48	1	74	33	..	211	28	194	2
Of it—																		
The North part	217,799	335,285	5·8	8·9	14·7	24	1	33	4	35	1	101	90	..	211	60	194	5
The South part	580,000	989,000	8·6	10·2	18·8	15	4	38	0	48	4	64	4	..	167	28	10	2
KINGDOM	10,209,419	8,138,356	9·4	7·5	16·9	62	0	46	0	70	0	45·0	14·0	31·4	211	12	194	1

NOTE 1.—To convert morgen into acres deduct one-third of the number from the number of morgen.
NOTE 2.—To find net return per acre, add one-half to the number of silbergroschen, and to the added amount add again a-half of the added amount. The total will be the nett return per acre—approximatively.
NOTE 3.—A silbergroschen is equal to 1½*d*.

In the Province of Prussia the grass land is in considerably greater quantity than the average of the State. But the small nett returns, excluding the lowlands, show that, in spite of the large extent of area, the produce is small. The average price of hay, taking a term of twenty-four years from 1837 to 1860, was, per 120 lbs., 15·4 silbergroschen in Konigsberg, 18·5 silbergroschen in Gumbinnen, and 23·3 silbergroschen in Dantzig Provincial District. The agricultural value for 120 lbs. of middle hay, was, therefore, much higher than the price of the land tax assessment. A similar difference would be found in regard to other provinces, but it will not be necessary to give these prices in detail. In Prussia.

In Pomerania the grass land is slightly above the average of the Kingdom; but, compared with Prussia, its area does not contain any such a large proportion of meadows and pasturages; and in the better cultivated district of Stralsund the pasturages are only 5 per cent. of the area. In Pomerania.

In Posen the grass land is much less than the average. Posen.

In Brandenburg it formed formerly the bulk of the province; but since the land improvements have reclaimed so much land for tillage and meadows, it has now become for pasturages only 4·6 per cent., and for meadows 10·2 per cent. of the area. Brandenburg.

In Silesia the pasturages have, since the separation of commons, been much diminished; the meadows have the average of the State, but the distribution is not so equal that all localities are provided with hay. Silesia.

In Saxony the grass land, which is chiefly on the alluvial soils, has the average of the State. Saxony.

In Westphalia the pasturages occupy a far higher proportion of the area than in any other province, and the meadows a proportion equal to the average of the State. Westphalia.

In Rhineland the distinction between meadows and pasturages can be less easily made than in some other parts. Together they have a proportion of the area equal to the average of the State. Rhineland.

49. The following Table showing the produce of meadows and the cattle-feeding power of pasturages will also be interesting:— Produce of meadows, &c.

Provincial Districts.	Area of Meadow.	Average Nett Return per Morgen.	Average No. of Cwts. of Middle Hay per Morgen.	The Area of Meadows produces Middle Hay.	Area of Pasturages.	Average Nett Return per Morgen.	For Cow Pasturage.	Of Cow Pasturages.	Or for every 20 cwt. Hay value, in Hay.	Hay together, Yearly.	The Farming value of Hay per Cwt.	Average Market Price of Hay, 1857-60.	Number of all Cattle in 1864.	To every Head of Cattle Yearly.	In Hay.	In Pasturage.	Proportion of Pasturage to Hay.
	Morgen.	Sgr.	Cwt.	Cwt.	Morgen.	Sgr.	Morgen.	No.	Cwt.	Cwt.	Sgr.	Sgr.	No.	Cwt.	Cwt.	Cwt.	Per cent.
Königsberg	973,764	31	9	8,763,876	809,430	11	6	134,905	2,698,100	11,461,976	3·5	15·42	915,303	12·52	9·57	2·95	23·4
Gumbinnen	1,021,040	26	7	7,147,280	638,631	7	10	63,863	1,277,260	8,424,540	3·8	18·47	657,728	12·81	10·87	1·94	15·2
West Prussia—																	
a. Low land ..	229,990	76	14	3,219,860	42,481	18	6	7,080	141,600	3,361,460	5·4	c 23·25	200,000	16·81	16·09	0·72	4·3
b. High land ..	514,781	25	6	3,088,686	1,114,220	3·5	24	46,426	928,520	4,071,206	4·1		714,173	5·62	4·33	1·29	23·1
Köslin	403,304	30	7	2,823,128	631,789	3	30	21,060	421,200	3,244,328	4·3	20·25	437,009	7·42	6·46	0·96	13·0
Stettin	626,605	36	10	6,266,050	326,752	10	8	40,843	816,860	7,082,910	3·6	16·08	512,711	13·81	12·20	1·61	11·6
Stralsund	171,062	43	9	1,589,558	78,835	17	6	13,139	262,780	1,802,338	4·8	19·08	182,888	9·85	8·42	1·43	14·5
Bromberg	386,162	38	7	2,703,134	288,513	12	9	32,057	641,140	3,344,274	5·4	22·08	437,999	7·63	6·17	1·46	19·2
Posen	558,892	32	6	3,353,352	284,549	10	10	28,454	569,080	3,922,432	5·3	23·00	742,621	5·28	4·52	0·76	14·5
March Brandenburg—																	
a. Low land ..	100,453	92	18	1,808,154	.. ..	..	..	.. ..	.. ..	.. ..	..	..	.. ..	..	..	..	..
b. Frankfort ..	557,062	35	7	3,899,454	281,017	8	12	23,423	468,460	6,176,048	5·1	23·50	717,493	8·61	7 96	0·65	7·6
c. Potsdam ..	929,827		7	6,508,803	440,744	18	6	73,457	1,469,140	7,977,943	5·0	21·75	766,279	10·41	8·50	1·91	18·4
Oppeln	392,909	47	9	3,536,181	115,446	11	10	11,525	230,900	3,767,081	5·2	21·16	625,093	6·02	5·66	0·36	6·1
Breslau	486,102	58	10	4,861,020	81,036	15	8	10,129	202,580	5,063,600	5·8	22·58	746,749	6·78	6·51	0·27	4·0
Liegnitz	532,407	51	8	4,259,256	97,254	13	10	9,725	194,500	4,453,756	6·3	23·75	603,720	7·38	7·06	0·32	4·4
Saxony	915,816	63	9	8,242,344	513,374	15	10	51,337	1,026,740	9,269,084	7·0	23·25	1,200,636	7·72	6·87	0·85	11·1
Westphalia	611,442	66	12	7,337,304	1,369,998	21	5	273,999	5,479,890	12,817,284	5·5	24·42	904,260	14·17	8·09	6·08	42·8
Rhineland—																	
a. North	217,799	101	14	3,049,186	335,285	93	1·25	191,523	3,830,460	6,879,646	7·2	24·75	626,966	10·97	4·87	6·10	55·7
b. South	580,000	64	8	4,640,000	689,000	4	40	16,222	324,440	4,964,440	8·0	27·62	678,589	7·32	6·85	0·47	6·5
Kingdom ..	10,209,419	45	8·5	87,046,606	8,138,354	14	12·9	1,049,187	20,983,740	108,030,346	5·3	22·66	11,769,815	9·18	7·40	1·78	19·4

One head of cattle of cattle is taken to mean also two-thirds of a horse, ten sheep, four pigs, or twelve goats. Its annual fodder has been estimated at 5,520 lbs. of hay or the equivalent of hay. Thus one-fifth of the required fodder seems to be provided by meadows and pasturages. From another source it can be estimated that the grass-land only furnishes one-fifth of the fodder required, so that although the above figures cannot be taken to be quite accurate, there is no improbability in them.

(*f.*)—*Cattle Breeding and Rearing, &c.*

50. Under this head it is intended mainly to treat in a cursory manner of breeding and rearing, so far as they form part of ordinary farming, and, therefore, are correspondent to the questions of Lord Clarendon's Circular bearing upon this part of farming.

In Prussia, as has already been incidentally noticed, sheep rearing was a monopoly. The object was, in the first instance, to promote sheep-farming; but the result was subsequently to cause several prejudicial restrictions on the development of agriculture. Horned cattle do not seem to have been the involuntary cause of any such prejudice. The only point which needs mention here, as belonging to the history of this subject, is that Albert Thaer advocated in his book of "English Farming" an improved use of cattle in farming. But meat was not at a sufficiently high price to give assistance to his theory or his own experiments. It is impossible now to give space to the numerous other practical or chemical agriculturalists who have contributed in Prussia to the present condition of cattle and sheep rearing, and especially to the theory and practice of dry fodder and of stall-feeding.

51. The following Table will give the cattle of all kinds counted in 1864:— Number of cattle.

Counted on December 3, 1864.

	Horses.	Horned Cattle.		Sheep.	Swine.	Goats.	Reduced to Head of Cattle in general.
		In general.	Cows.				
Prussia	567,135	1,093,652	549,960	3,810,184	636,668	30,007	2,487,204
Pomerania ..	178,677	445,747	298,792	3,428,122	289,079	42,510	1,132,608
Posen	192,080	525,874	293,115	2,997,029	254,095	27,145	1,180,620
Brandenburg ..	242,048	672,209	401,208	3,013,636	532,527	162,912	1,483,772
Silesia	244,750	1,234,919	761,839	2,807,231	336,675	95,281	1,975,560
Saxony	170,845	576,180	361,594	2,162,037	538,434	196,822	1,200,636
Westphalia ..	125,370	570,185	378,564	558,480	302,018	134,651	904,260
Rhineland ..	135,718	943,145	574,405	537,948	352,563	180,023	1,305,155
Kingdom ..	1,856,623	6,061,711	3,619,477	19,314,667	3,242,059	869,351	11,669,815
Calculated Average in 1864.							
Prussia . ..	567,135	1,159,268	549,960	4,191,202	795,838	31,807	2,630,871
Pomerania ..	178,677	472,489	298,792	3,770,934	361,348	45,060	1,211,910
Posen	192,080	557,424	293,115	3,296,731	317,621	28,771	1,258,156
Brandenburg ..	242,048	712,561	401,208	3,314,999	665,659	172,686	1,588,357
Silesia	244,750	1,309,013	761,839	3,087,958	420,945	100,993	2,099,286
Saxony	170,845	610,746	361,594	2,378,240	673,153	208,656	1,291,447
Westphalia ..	125,370	604,397	378,564	614,328	377,522	142,727	963,554
Rhineland ..	135,718	999,731	574,405	591,742	440,703	190,823	1,390,130
Kingdom ..	1,856,623	6,425,629	3,619,477	21,246,134	4,052,789	921,519	12,433,711

Comparison of 1816 and 1867.

And the following Table will show by comparison of 1816 with 1867 the increase per square geographical mile of each kind:—

Comparison of 1816 and 1867.	Year.	Horses.	Horned Cattle.		Sheep.	Swine.	Goats.	Reduced to head of Cattle in general.	Number of Inhabitants.
			All.	Cows.					
Prussia	1816	320	583	264	664	367	5	1,221	1,299
	1867	477	905	500	3,309	597	36	2,071	2,732
Pomerania	1816	208	642	339	1,721	239	6	1,186	1,248
	1867	331	762	538	6,161	585	87	1,993	2,639
Posen	1816	139	509	223	1,485	237	1	925	1,556
	1867	372	952	587	5,566	658	74	2,186	2,925
Brandenburg	1816	221	722	346	2,222	253	8	1,340	1,773
	1867	340	849	530	3,867	749	246	1,907	3,752
Silesia	1816	215	919	536	2,348	122	35	1,510	2,653
	1867	357	1,705	1,086	3,599	610	172	2,658	4,903
Saxony	1816	281	916	519	3,116	393	69	1,753	2,614
	1867	387	1,273	789	4,666	1,402	504	2,621	4,517
Westphalia	1816	342	1,195	949	938	390	76	1,906	2,909
	1867	340	1,566	1,009	1,731	944	435	2,449	4,651
Rhineland	1816	194	1,252	742	1,099	401	85	1,761	3,884
	1867	300	2,037	1,180	1,145	936	455	2,711	7,075
Kingdom	1816	244	789	423	1,625	294	29	1,395	2,084
	1867	375	1,192	731	3,765	758	209	2,268	3,531
Per cent. of increase .	50 years	54	51	73	132	158	621	63	70

Thus the increase of cattle in general has been less by a tenth than the increase of population.

Horses.

52. Of horse breeding no notice is required except to record that it is of great importance to the army, and consequently a subject which causes high authorities much anxiety, for since the disappearance of pasturages in many parts of several provinces horse breeding has a matter of course declined.

Oxen.

53. Of cattle breeding and rearing, in the the narrower sense of the term, a notice is required. But no inquiry into races and manner of breeding is requisite. The breeding has improved since 1830. A Bavarian race, with powerful build, is frequently to be found where work is required. The Dutch race is not unfrequent for breeding. Generally, it may be stated that nearly every part of the Kingdom can supply itself on the spot or from the immediate neighbourhood with all it requires in the shape of draught oxen, cows, calves, butter, and cheese.

The following Table for prices for beef, pork, and butter will not be uninteresting:—

Market Prices per Pound.	Beef.		Pork.		Butter.	
	1865.	1866.	1865.	1866.	1865.	1866.
	d.	*d.*	*d.*	*d.*	*d.*	*d.*
13 towns of Province of Prussia	4	4¼	4¾	5½	9½	9¼
5 „ Pomerania	4¼	4½	5½	6¼	12½	12½
8 „ Posen	4¼	4½	5¼	5½	10½	10½
5 „ Brandenburg	5¼	5½	5½	6	12¾	12¾
13 „ Silesia	4½	4½	5½	5½	10¾	10½
8 „ Saxony	5½	5¾	5¾	6¼	12¾	12¾
14 „ Westphalia	5¼	5½	5¾	6	10¾	10½
15 „ Rhineland	6	6¼	6½	6¾	8 (?)	10¾
Aggregate average	5¼	5¼	5¾	6	11	10½

Fattening of cattle.

The fattening of cattle for consumption is of more or less importance in every province; but has not attained to such importance as a branch of farming as to warrant for Prussian farming the adoption of the maxim of "Plenty of meat and manure" of English farming. In the Province of Prussia the complete fattening of cattle takes place seldom, for few farmers have sufficient capital to wait a long while for their returns. The possibility of fattening for slaughter depends, therefore, chiefly upon condition of the pasturages and upon a suitable summer. In Pomerania, although improvements have taken place, the fattening of cattle is on the whole not remunerative. In Posen it only takes place with profit on isolated large properties where a subsidiary industry exists. Silesia understands the process of fattening better, and having also extended industries

can carry it out with considerable advantage. Yet the numerous middle and smaller distilleries and breweries only half fatten cattle, and cannot rear young cattle. Saxony differs little from Silesia, except that probably stall-feeding, if not complete fattening, is more practised throughout all classes of farmers. Westphalia fattens cattle by stall-feeding only on the larger properties and in towns in connection with breweries and distilleries. Stall-feeding is, however, making progress. But the fattening on pasturages is more important. In the Lower Rhine the rich pasturages are the most important and extensive in the State, and fetch on lease a rent of even 5*l.* per acre, which is comparatively an exceedingly high rent for Prussia. But apart from these districts fattening succeeds wherever meadows or an industry give ample fodder; but pure farming can obtain no profit by fattening its cattle in Rhineland.

Sheep.

54. Sheep rearing is passing through a crisis. Merino (Negretti) sheep breeding had become so profitable, that breeding in and in with merino sheep took place with a view to produce as much wool as possible, regardless of the size of the sheep. The animal was consequently unfit for food, and the whole profit depended upon the price of wool. As long as wool kept its price, all went well; but, as soon as wool fell in price from various causes such as the introduction of Australian wool and the great difference between the gross and the useful nett weight of German wool, these sheep were suddenly deprived of a great part, even of a half, of their value. The rearer of sheep has therefore suffered great losses. A revolution is taking place, and henceforth the German farmer will rear a sheep not only for wool but for meat. For this purpose he is reverting to the home race of sheep. As yet, however, only a few of the more intelligent farmers have perceived the necessity for such a change. It must of course be remembered, that, although the pure wool-bearing race of sheep formed the most important portion of the sheep in the State, several other races existed throughout the land.

Fattening of sheep.

The fattening of sheep is seldom profitable to the farmer in West and East Prussia, answers much better in Pomerania, is an unsatisfactory process in Posen, is of little account in Silesia, but is of great importance in Saxony and Westphalia. In Brandenburg it is beginning, and in Rhineland sheep rearing even is exceptional.

Various.

55. Swine enter largely into the small-farmer's economy, and fat geese are the pride of the farmer's wife. Ducks and pigeons are often reared, but turkeys do not as a rule enter the farmyard. Fowls exist to the number of 19,000,000 and are estimated to yield 800,000,000 of eggs of a value of 1,320,000*l.* Bee cultivation is largely increased, but the various attempts at cultivating the silkworm have had very little success.

(*g.*)—*Agricultural Industries.*

56. Inasmuch as the influence of industry upon agriculture is of importance to this investigation, it is desirable before concluding this division to glance rapidly at the industries intimately connected with agriculture. Of these the flour mills need not be referred to, as they do not affect the course of agriculture. But the distilleries affect it considerably. The following figures show how they have increased in importance:—

Distilleries.

In 1831 there were 22,969 of which 69 per cent. were in the country; in 1865 there were 7,711 of which 82 per cent. were in the country. But the spirit duty produced, in 1831 an aggregate amount of 5,248,579 dollars; in 1865, an aggregate amount of 10,372,181 dollars; so that, after allowing 20 per cent. in the latter amount for increase of duty, it is evident that the production of 7,711 has been more than half as much as that of the 22,969 distilleries of 1831, The greatest increase has been in Posen which has nearly quadrupled its production. Prussia has increased it by 33 per cent., Pomerania by 52 per cent., Brandenburg by 30 per cent., Silesia by 68 per cent., Saxony by 70 per cent., and Westphalia by 60 per cent. But in Rhineland the production has decreased by nearly 32 per cent. Silesia and Brandenburg has the largest production; Prussia, Posen, and Saxony come next; Pomerania follows close, and Rhineland preceeds Westphalia.

The distilleries have most frequently been established for agricultural purposes, but the fattening properties of their refuse are not high.* It has been held that no large estate could be farmed without a distillery. In fact the distillery took the place of the slaughter-house, but with a different kind of assistance to the farmer. The Prussian maxim of farming was indeed held to be "plenty of alcohol and of manure." The distillery was a machine for manufacturing manure like the cattle fattened for meat is in England. It is considered by some, that for this purpose it will disappear when the means of communication are better. In the meantime it is endangered as an industry by the fact that whereas, formerly German alcohol commanded the foreign markets for foreign alcohol, it is now exposed to

* There are, however, various opinions on this point. The chief difference seems to be that the mash from corn distilleries fattens well, whereas that from potatoe distilleries is often wanting in fattening powers.

severe competition in many markets. Several distilleries have recently earned no profit on their spirit, so that the production of manure has been disadvantageous.

Beetroot sugars.

57. The industry of beetroot sugar is of great importance to agriculture. The following figures will show its rapid rise;—

	Cwt.
In 1836 it produced	28,162
In 1846 „	331,011
In 1856 „	1,807,974
In 1866 „	3,940,518

Its chief seat is in Saxony in the provincial district of Magdeburg, but it has importance also in Silesia and Brandenburg, as will be seen from the following figures;—

Pomerania has	..	8	Mills, using	.. ..	1,221,763 cwt. of Beetroots.
Brandenburg has	..	18	„	.. ..	3.119,657 „
Silesia has .	..	40	„	.. ..	5,345,911 „
Saxony has	..	141	„	.. ..	24,136,968 „
Westphalia has	..	2	„	.. ..	145,913 „
Rhineland has	..	4	„	.. ..	1,318,366 „
Total	..	213	„	.. ..	35,278,578 „

The hundredweights of the above enumeration are the German custom-house hundredweights, consisting of 120 German pounds. The new provinces have six manufactories using 701,788 cwt. of beetroots. As the Zollverein has only 296 mills using 50,712,709 cwt. of beetroots, it is evident that the industry has its chief seat in the kingdom of Prussia. The inland sugar duty is levied on a very unskilful plan, and there exists an agitation for a duty on the sugar produced instead of on the raw material. Wherever this industry exists, the parings of the beetroots, after the extraction of the sugar, are used to feed cattle. They are mixed with chaff and given dry. The chief mills seem to grow their own beetroots, and either own or lease, or own and lease, large tracts of land for cultivation. The system is high-farming with expensive manuring and deep ploughing, with the object of getting maximum crops of beetroot. Cereals and forage crops are also grown, but without any set rotation.

Flax.

58. The flax industry has its seat in Silesia. Its importance can be apprehended from the following Table:—

Flax Spinning.	1855–57.	1858–61.	1862–64.	1865.
Prussian spindles	60,000	89,475	107,550	143,500
Zollverein spindles	74,000	120,000*	146,000	188,500
Cwt. of material for Zollverein spindles	166,500	300,000	397,123	427,125
Average excess of importation	121,692	237,805	139;319	150,000*
Remains of home growth	44,808	62,195	257,803	277,125
Of which for Prussian spindles, according to number of spindles	36,330	46,641	190,643	210,981

This Table shows a great increase in the home production of flax. The actual area of flax cultivation is not known. The industries of starches, dextrin, vinegar, chicory, oil, &c., need not be further mentioned. Various particulars of these and the other agricultural industries, as also of the breweries, are to be found in paragraphs 31 and 38 of Part I.

(*h.*)—*Supplementary Remarks.*

Means of communication.

59. The first of these supplementary remarks is that the means of communication are not as fully developed in Prussia as they might be. The defect is twofold, for there are not enough roads, and the local roads are not in the best condition. Hence there are few districts in which the locomotive for a steam plough could travel. Of the way land not one-tenth is accounted for by the railroads and turnpike roads. The ordinary parish and accommodation roads are in overwhelming proportion. Even the parish roads are seldom macadamized. The following Table gives the length of railroads and turnpike roads for each province:—

Length in English Miles.	Prussia.	Pomerania.	Posen.	Brandenburg.	Silesia.	Saxony.	Westphalia.	Rhineland.	Kingdom.
Of railroads, 1862	363	275	259	488	796	482	491	749	3,903
Of turnpike roads, 1862	2,397	1,572	1,516	2,008	3,402	2,229	3,496	3,927	20,547

* This is estimated.

60. The result of the increase of means of communication is an interesting subject, into which I cannot now enter. But it will not uselessly increase the necessary length of this Report to give the following Tables from an interesting paper read last year by Dr. Wilckens before the Congress of North German Agriculturists:— Result of their increase.

1. Density of Population and Price of Rye.

	1816.		1817–40.		1817–40 movement.		1841–64.		1841–64 movement.		1816–64 movement.	
	Population.	Price of Rye.	Population, 1840.	Price of Rye.	Population.	Price of Rye.	Population, 1864.	Price of Rye.	Population.	Price of Rye.	Population.	Price of Rye.
	Per sq. mile.	Sgr.		Sgr.	Per cent.	Per cent		Sgr.	Per cent.	Per cent.	Per cent.	Per cent.
Prussia	1,236	42·6	1,959	32·6	+58·5	−23.5	2,658	49·1	+35·7	+50·6	+115·0	− 4·0
Posen	1,560	47·1	2,347	34·6	+50·4	−26·3	2,900	52·0	+23·6	+50·3	+ 85·9	− 8·1
Pomerania	1,187	48·5	1,838	37·1	+54·9	−23·5	2,628	54·1	+43·0	+45·8	+121·4	− 6·0
Brandenburg ...	1,772	59·3	2,564	41·1	+44·7	−30·7	3,612	54·9	+40·9	+33·6	+103·8	−19·1
Silesia	2,655	68·1	3,908	38·6	+47·2	−43·3	4,800	54·6	+22·8	+41·5	+ 80·8	−31·6
Saxony	2,613	76·9	3,573	42·4	+36·7	−44·9	4,461	58·8	+24·9	+38·7	+ 70·7	−34·2
Westphalia ...	2,907	90·3	3,771	49·2	+29·7	−45·5	4,543	65·2	+20·5	+32·5	+ 56 3	−36·7
Rhineland	3,844	91·8	5,305	52·1	+38 0	−43·2	6,906	67·8	+30·2	+30·1	+ 79·7	−34·6
Kingdom ...	2,045	65·6	2,958	41·0	+44·6	−37 5	3,799	57·1	+28·½	+39·3	+ 85·8	−25·3

2. Extreme Prices of Rye.

	Before Railways, 1816–1840.					After Railways, 1841-1866.				
	Year.	Maximum Price.	Year.	Minimum Price.	Difference.	Year.	Maximum Price.	Year.	Minimum Price.	Difference.
		Sgr.		Sgr.	Per cent.		Sgr.		Sgr.	Per cent.
Prussia	1817	56·8	1824	16·2	251	1856	82·6	1849	26·8	208
Posen	1817	59·3	1825	16·4	262	1855	89·3	1849	29·2	206
Pomerania	1818	65·8	1824	18·9	248	1856	85·1	1849	31·4	171
Brandenburg	1817	79·4	1825	21·3	173	1855	87·2	1849	31·2	180
Silesia	1817	75·9	1825	18·5	310	1855	96·3	1849	31·2	209
Saxony	1817	97·4	1825	20·4	377	1847	91·2	1849	30·8	196
Westphalia	1817	118·8	1825	21·9	442	1855	98·2	1849	32 3	204
Rhineland	1817	132·5	1824	25·8	414	1855	102·4	1849	40·6	152
Kingdom	1817	85·7	1825	20·7	314	1855	90·8	1849	31·7	187

3. Means of Communication.

	Inhabitants per Square Geographicel Mile, 1864.	Square Geographical Miles of Land to one German Mile of							
		Turnpike Roads, 1861.	Railroads, 1866.	Navigable Rivers, 1866.	Canals, 1866.	Sea coasts, 1866.	Land ways, 1866.	Water ways, 1866.	Land and Water ways, 1865.
Prussia	2,658	2·60	13·94	10·37	31·95	20·69	2·19	5·68	1·58
Posen	2,900	1·88	9·37	8·13	150·00	4·80	1·57	7·71	1·33
Pomerania	2,628	1·85	9·81	7·99	522·63	...	1·56	3·00	1·00
Brandenburg	3,612	1·77	6 36	4·26	20·29	...	1·39	3 52	1·00
Silesia	4,800	1·40	4·28	12·19	121·91	...	1·05	11·08	0·96
Saxony	4,461	1·02	4·12	5·15	80·38	...	0·82	4·84	0·70
Westphalia	4,543	0·67	3·45	7 13	...	...	0·56	7·13	0 52
Rhineland	6,906	0·62	2 88	4·24	82·50	...	0·51	4 03	0·45
Kingdom	3,799	1·33	5·80	6·08	53·24	28·50	1·08	4·58	0·88

4. Net Return of Tillage, &c.

Net Return of Tillage.		Population, 1864.		Price of Rye, 1861–66.		Means of Communication, 1861–66.	
Province.	Proportion No.	Province.	Proportion No.	Province.	Proportion No.	Province.	Proportion No.
Prussia	100	Pomerania	100	Prussia	100	Prussia	100
Posen	105	Prussia	101	Posen	104	Posen	119
Pomerania	134	Posen	110	Silesia	111	Pomerania	158
Brandenburg	143	Brandenburg	137	Brandenburg	114	Brandenburg	158
Kingdom	173	Kingdom	145	Pomerania	115	Silesia	165
Silesia	193	Saxony	170	Kingdom	119	Kingdom	180
Westphalia	238	Westphalia	173	Saxony	125	Saxony	226
Rhineland	304	Silesia	183	Westphalia	135	Westphalia	304
Saxony	314	Rhineland	263	Rhineland	135	Rhineland	351

5. Relations of Prices of Wheat and Rye.

1816.				Before Railroads, 1817–41.				Railroads, 1842–66.				Means of Communication.	
Provinces.	Wheat.	Provinces.	Rye.	Provinces.	Wheat.	Provinces.	Rye.	Provinces.	Wheat.	Provinces.	Rye.	Provinces.	Proportion No.
Prussia ...	100	Prussia ...	100	Posen ...	100	Prussia ...	100	Prussia ...	100	Prussia ...	100	Prussia ...	100
Pomerania ...	110	Posen ...	111	Silesia ...	101	Posen ...	106	Posen ...	100	Posen ...	106	Posen ...	119
Posen ...	112	Pomerania ...	114	Prussia ...	102	Pomerania ...	113	Silesia ...	100	Pomerania ...	111	Pomerania ...	158
Kingdom ...	131	Brandenburg .	139	Saxony ...	102	Silesia ...	117	Saxony ...	102	Silesia ...	112	Brandenburg .	153
Brandenburg .	133	Kingdom ...	154	Pomerania ...	103	Kingdom ...	125	Pomerania ...	105	Brandenburg .	112	Silesia ...	165
Silesia ...	135	Silesia	160	Kingdom ...	109	Brandenburg .	125	Brandenburg .	105	Kingdom ...	116	Kingdom ...	180
Saxony ...	138	Saxony ...	181	Brandenburg .	113	Saxony ...	128	Kingdom ...	106	Saxony ...	121	Saxony ...	226
Rhineland ...	160	Westphalia ...	212	Westphalia ...	120	Westphalia ...	150	Westphalia ...	114	Westphalia ...	132	Westphalia ...	304
Westphalia ...	160	Rhineland ...	215	Rhineland ...	127	Rhineland ...	158	Rhineland ...	120	Rhineland ...	137	Rhineland ...	351

It thus appears that whereas the population increased, the price of rye diminished, but that before railways the difference of price was greater not only between provinces, but also between the highest and lowest prices in a province than it has been since railways. The

third Table shows the relative importance of the various ways of communication in the State and in each province. The remaining two Tables are interesting as showing the position of each province in respect of development in certain particulars. The invariably high place which the western provinces take, and the invariably low place which East and West Prussia takes, will be remarked. It will be further observed that the price of rye seems to follow the development of communications. Similar Tables show that the price of wheat does not follow it. The reason probably is that rye is the staple cereal of the Kingdom for home consumption, whereas wheat is affected by the fluctuations of foreign markets.

The general conclusion of Dr. Wilckens is that the prices of rye and wheat, which form the chief produce of North German agriculture, are dependent upon the completeness of the network of communication with the above difference, and that their average prices are both in direct relation to the cheapness of communication.

The tendency of the age is to bring about a general level of prices, and it is therefore interesting to see that in the Kingdom of Prussia the development of means of communication has caused this tendency to manifest itself in the above important particulars.

Latest notices of agricultural progress.

61. According to the annual Report of the Agricultural Board for 1868, agriculture has been improving in Prussia, and the advantages of deep ploughing, irrigation, drainage, improved implements, introduction of high-bred cattle, scientific feeding and rearing of cattle, more careful attention to manures, and use of artificial manures are receiving more and more recognition by small as well as large proprietors, and in some provinces, such as Silesia, Saxony, and Pomerania, more than in others. Beyond noting that, in provinces without an agricultural industry, it is sought to place the agricultural centre of gravity in

Smaller proprietors.

the production of meat, there is little else to remark. Usually the smaller proprietors seem to follow the lead of the larger proprietors in respect of agricultural improvements, but the complaint is made that the peasant proprietors are in some districts indolent and careless with regard to improvements. Want of circulating capital in yet other districts interferes with the adoption of new systems and new implements not only in respect of the smaller but also of the larger farmers.

The advantages of changing the seed are being recognized, but hitherto the smaller proprietors had been especially defective in this matter. Advantageous rotations of crops are adopted, which vary according to the soil and wants of the district. In many parts it is attempted by high farming to produce maximum crops.

Result of extinction of rights of common.

One general observation will be interesting, namely, that the separation of commons is always followed by improved cultivation, and especially by stall-feeding in lieu of pasturage. Hence there arises to the farmer a greater gain from the land, and there follows a more careful system of cattle feeding. There is an universal opinion of the direct advantage of this separation apart from the direct advantage of the consolidation which accompanies it.

62. It is hoped that the various subdivisions will enable the reader to form an idea of the state of agriculture in Prussia, although they have necessarily treated so briefly of the various subjects. It must, however, be remembered that high farming and low farming are relative terms of a very elastic nature. They have been used in this division to denote the relative character of the styles of farming in Prussia and not to denote the existence in Prussia of the same high farming as that which exists in England and Scotland. English high farming may be found in Prussia; but it is not yet an important element of agricultural development.

Manufactures.

63. Lastly, it is to be remembered that Prussia has her manufacturing provinces and also various manufactures scattered throughout the Kingdom. The importance of her manufacturing industry can be seen from paragraphs 32 to 39, Part I. It is needless to remark that, where any such a manufacture exists, it necessarily has an influence upon the agriculture of the neighbourhood, and even of districts somewhat remote. The question of the difference which it makes to the individual cultivator of the soil is one of the most complicated questions of political and social economy. Its answer varies according to the varying conditions of agriculture and manufacture in the district, and no general answer to it can be gathered from treatises or constructed from the few personal inquiries which can now be made in this capital. Such an answer needs not only to embrace the universal and well-known facts of political economy, but needs to include all the special and more local facts, which make up the sum of the total influence of manufacture upon agriculture. The former can be predicated of any part of the world, but the latter require to be specially investigated. So far as time will admit, the question will be answered in the record of my observation and inquires in the few districts which I shall be able to visit, and will doubtless

be referred to in Mr. Consul White's Report respecting the provinces which he has been enabled to visit.

64. Time has unfortunately not allowed me to add to the remarks in paragraphs 190 and 191 of Part I, any further information as to agricultural institutions of instruction and agricultural societies. But in respect to the provincial loan funds referred to in paragraph 192 of Part I, I am now enabled to state that their loans are only made to corporations and not to private individuals. The latter have no special facilities for obtaining circulating capital, and must go into the mortgage market whether they be large or small proprietors. Provisional loan funds.

But the interesting fact must not be omitted that the agricultural associations frequently send out trained itinerant instructors in agriculture, who travel about for the purpose of delivering lectures on, and of instructing the peasantry in, advanced principles of cultivation. Itinerant instructors in agriculture.

(D.)—*The Population of Land.*

(*a.*)—*In general.*

65. According to the census taken on the 3rd of December, 1867, the population of Prussia, as it now is, was a little over 24,000,000. Of these nearly 7,500,000 lived in towns ("Städte") or villages ("Flecken"). It has been discovered that these figures will have to be slightly corrected, but in the meantime their approximate accuracy may be assumed. These two catagories of towns and villages include even hamlets of as few as 275 inhabitants. If the population living in hamlets, villages, and in towns of less than 5,000 inhabitants be excluded from the above population then the urban population will be rather over 5,000,000, and the rural population about 19,000,000, *i.e.*, nearly four times as numerous. It is probably true that many inhabitants of towns of less than 5,000, and of villages and hamlets, are entirely or chiefly dependent upon manufacturing industry apart from agriculture. But, on the other hand, it is probably true that several towns of more than 5,000 inhabitants contain a population entirely or mainly dependent upon agriculture, or upon industry connected with agriculture. The one probable inaccuracy cancels the other probable inaccuracy. The above number and proportion of rural population may be therefore taken to represent the number and proportion of the population dependent upon the land and its produce. If the enquiry could be extended so as to include the number of the distributive classes in towns over 5,000 inhabitants, whose members and their dependents, derive their livelihood from the distribution of the produce of agriculture and agricultural industry, the number and proportion of that population would be yet more increased. But it is sufficient to take them, as they now stand, in order to comprehend the importance of agriculture to the Prussian Monarchy of the present time.

66. The details of the census are not yet sufficiently put together or published to enable me to ascertain from its results all the points which it would have been desirable to include in this Report. From the existing and ready materials the following facts can be ascertained. It will, however, be interesting previously to give an estimate of the rural population of the Prussia of before 1866, which is the Prussia of which this Report treats. If the bases of the computation in the foregoing paragraph be taken, and if a slightly reduced ratio of rural to urban population be assumed to be true of the Prussia before 1866, it can be estimated that out of the more than 19,500,000 of population in the eight old provinces over 4,000,000 are urban population in towns of over 5,000 inhabitants, and about 15,500,000 are rural population, *i.e.*, the rural population is scarcely four times as numerous as the urban population. In other words, the urban population on this basis is now scarcely 20 per cent. of the total population. But if the hamlets and villages be included then it is about the 29 per cent. mentioned in paragraph 9 of Part I. Populatien of old Prussia.

67. From some statistics, based upon the census of 1867, and published in the Prussian Statistical Journal, the following Table showing the purely agricultural population in 1867, as compared with 1861, is extracted:— Agricultural population.

	Agriculture, Cattle Breeding, Cultivation of Vine, Gardening.					
	Persons Occupied.		Dependents upon preceding.		Totals.	
	1861.	1867.	1861.	1867.	1861.	1867.
Prussia	690,377	690,290	750,440	1,317,506	1,440,817	2,007,796
Posen	327,819	328,108	388,566	659,220	716,385	987,328
Brandenburg	379,455	359,257	491,338	648,546	870,793	1,007,803
Pomerania	284,406	272,816	308,296	533,850	592,702	806,666
Silesia	660,416	659,505	1,044,941	1,149,952	1,705,357	1,809,457
Saxony	337,219	298,025	469,122	498,178	806,341	796,203
*Westphalia	276,286	246,677	524,535	464,846	800,821	711,523
*Rhineland	473,078	432,276	993,436	852,231	1,466,514	1,284,507
Monarchy	3,429,056	3,286,954	4,970,674	6,124,329	8,399,730	9,411,283

* The Jade territory is included with Westphalia and Hohenzollern with Rhineland.

68. The following Table gives several points of interest in connection with the agricultural population of 1867 :—

	Males.	Total.	Females.	Total.	Total of Occupied.	Total of Dependents.	Grand Total.
A. Agriculture, Cattle Breeding, Cultivation of Vine, Gardening :—							
a. Owners of land, of vineyards, of gardens, tenants, bailiffs, agents, &c. :							
Number of persons occupied ..	923,937		165,105		1,089,042	..	
Number of their dependents ..	1,368,801	2,292,738	2,186,626	2,351,731	..	3,555,427	4,644,469
b. Assistants, apprentices or pupils, servants, and day labourers in agriculture and cattle breeding :							
Number of persons occupied ..	1,308,804		889,108		2,197,912	..	
Number of their dependents ..	978,349	2,287,153	1,590,533	2,479,661	..	2,568,902	4,766,814
B. Forests, &c. :—							
a. Agents of all kinds :							
Number of persons occupied ..	15,264		50		15,314	..	
Number of their dependents ..	15,313	30,577	31,176	31,226	..	46,489	61,803
b. Labourers :							
Number of persons occupied ..	10,299		905		11,204	..	
Number of their dependents ..	9,077	19,376	16,954	17,859	..	26,031	37,235
Total	4,629,844		4,880,477		3,313,472	6,196,849	9,510,321

The purely agricultural population of the Prussia since 1866 is therefore more than 48 per cent. of its population, and of the Prussia before 1866 is therefore nearly 49 per cent. of its population. These numbers and this deduction must, however for the present, be received, in a comparison with the results of the census of 1861, with caution. There are probably several local inaccuracies which, in the aggregate, have given an apparent but unreal meaning to at any rate that part of the census of 1861 from which the relative proportions of industrial and agricultural population are deduced. The coming census of 1870 will, no doubt, supply the needed confirmation or the necessary correction.

By provinces.

69. It will also be interesting to give, from the same source, a Table showing various points of interest in connection with this agricultural population, province by province.

By Provinces.	Persons Occupied. — Males. Agriculture.	Forests.	Total.	Total of Province.	Per cent. of all in all Occupations.	Per cent. of total Population.	To 100 of *a*, there are of *b*.	Females. Agriculture.	Forests.	Total.	Total of Province.	Per cent. of all in all Occupations.	Total of Both. Total of 4 and 11.	Per cent. of all in all Occupations.	To 100 of *a*, there are of *b*.
	1.	2.	3.	4.	5.	6.	7.	8.	9.	10.	11.	12.	13.	14.	15.
Prussia—															
a. Heads of establishments ..	162,808	2,484	165,292					26,251	28	26,279					
b. Assistants and labourers ..	309,361	718	310,079					191,870	101	191,971					
				475,371	61	31·4	186				218,250	62·8	693,621	62	262
Posen—															
a. Heads	79,869	1,596	81,465					13,513	4	13,517					
b. Assistants and labourers ..	144,689	520	145,209					90,037	37	90,074					
				226,674	60·4	30·2	177				103,591	63·5	330,265	62	248
Pomerania—															
a. Heads	56,445	1,438	57,883					11,340	..	11,340					
b. Assistants and labourers ..	128,462	482	128,944					76,569	42	76,611					
				186,827	51	26·5	221				87,951	59·5	274,778	55·3	297
Brandenburg—															
a. Heads	93,349	2,323	95,672					12,781	4	12,785					
b. Assistants and labourers ..	151,404	693	152,097					101,723	62	101,785					
				247,769	31	18·3	159				114,570	36·7	362,339	33·9	234
Silesia—															
a. Heads	201,325	3,344	204,669					42,205	4	42,209					
b. Assistants and labourers ..	225,658	3,851	229,509					190,317	479	190,796					
				434,178	45·3	25·2	113				233,005	52	667,183	48·7	170
Saxony—															
a. Heads	75,954	1,381	77,335					11,547	4	11,551					
b. Assistants and labourers ..	123,860	2,600	126,460					86,664	114	86,778					
				203,795	35	19·9	170				98,329	48·3	302,124	41·7	240
Westphalia—															
a. Heads	77,055	1,040	78,095					13,458	4	13,462					
b. Assistants and labourers ..	89,642	467	90,109					66,522	23	66,545					
				168,204	36·5	19·4	115				80,007	51	248,211	43·8	171
Rhineland—															
a. Heads	177,132	1,658	178,790					34,010	2	34,012					
b. Assistants and labourers ..	135,728	968	136,696					85,406	47	85,453					
				315,486	32	17·7	78				119,465	37·2	434,951	34·6	106
State—															
a. Heads	923,937	15,264	939,201					165,105	50	165,155					
b. Assistants and labourers ..	1,308,804	10,299	1,319,103					889,108	905	890,013					
				2,258,304	41·8	21·8	137				1,055,168	49	3,313,472	46·9	193

Note 1.—*a* and *b* are the *a* and *b* of the preceding Table.
Note 2.—Columns 5 and 12 represent proportion to persons occupied in all kinds of occupations in the Province.
Note 3.—Westphalia includes the Jade Territory, and Rhineland the Province of Hohenzollern.

70. At present it is impossible in respect of the census of 1867, to separate the tenants from the proprietors, or to sub-divide each of these classes into the class entirely occupied in agriculture, and the class auxiliarily occupied in agriculture. This has been done in respect of the census of 1861. It is, therefore, desirable to reproduce here in greater detail the Table given in paragraph 31 of Part I. The difference between the totals in this Table and in the Table in paragraph 31 of Part I, is in consequence of Hohenzollern and the Jade territory having been by mistake included in the latter.

Agricultural Population in 1861.	Prussia.	Pomerania.	Posen.	Brandenburg.	Silesia.	Saxony.	Westphalia.	Rhineland.	Monarchy.
A.—Occupied in Agriculture alone—									
Owners	118,165	89,952	66,932	74,090	165,013	65,363	62,387	161,677	753,579
Tenants	3,807	3,762	1,384	1,533	3,167	1,193	7,214	8,134	30,194
Dependent upon the above, their wives, children, servants, &c.	574,530	208,235	330,023	33,303	751,771	274,236	320,261	649,387	3,440,746
Total of all three	696,502	251,949	398,339	407,926	919,951	340,792	389,862	819,198	4,224,519
B.—Occupied in Agriculture as an auxiliary industry—									
Owners	42,816	22,412	13,755	88,910	71,575	50,431	41,420	75,720	357,039
Tenants	2,644	2,546	722	2,683	4,520	2,456	8,004	6,870	30,445
Dependent upon the above, their wives, children, servants, &c.	175,610	100,061	58,543	159,035	283,170	194,886	204,264	305,735	1,481,304
Total of all three	221,070	125,019	73,020	200,628	359,265	247,773	253,688	388,325	1,868,788
Total of all six	917,572	376,968	471,359	608,554	1,279,216	588,565	643,550	1,207,523	6,093,307
C.—Assistants and Agricultural Servants—									
Bailiffs, Agents, &c.	6,519	3,968	5,706	4,436	7,770	3,155	542	551	32,647
Farm housekeepers	3,394	2,053	1,655	1,807	1,920	1,704	513	688	13,734
Men and boys	119,529	47,146	67,301	64,853	112,880	48,324	41,676	55,064	556,773
Women and girls	89,263	35,951	49,662	50,789	107,271	47,870	52,664	65,395	498,865
Day labourers, male	151,459	63,688	61,455	66,232	86,284	57,237	35,368	52,609	574,332
,, female	152,292	62,918	59,247	74,122	100,016	59,486	26,383	30,600	565,064
Total of all six	522,456	215,724	245,026	262,239	416,141	217,776	157,146	204,907	2,241,415
Of A, B, and C—Grand total	1,440,028	592,692	716,385	870,793	1,695,357	806,341	800,696	1,412,430	8,334,722
,, Number per square geographical mile...	1,270	1,084	1,364	1,202	2,319	1,761	2,182	2,900	1,669
,, without dependents — Number per square geographical mile	610	520	624	524	901	736	752	938	686

The various classes engaged in agriculture will be more nearly regarded in the following sub-divisions.

(*b*)—*The Large Proprietors.*

71. The only sufficiently complete statistics for treating of large, middle, and small proprietors are those of 1858, given in the Table of paragraph 16 of this part. The observations therein made as to the probable inaccuracy of the counting of large and small proprietors must, however, be borne in mind in the course of the following remarks :—

Large proprietors, their ratio to land-owners.

The large proprietors, *i.e.*, proprietors of more than 400 acres, then formed scarcely a one hundred and twentieth part of the aggregate of land-owners, and probably after due correction of the number, not a one hundred and thirtieth part. Is not the proportion in England or Ireland rather the reverse of this ?

Farming owners of large estates.

It has already been noticed that it is the practice of the land-owners, even of large entailed estates, to farm their land either directly under their own superintendence or indirectly by a bailiff. This is so universal that it will suffice to deduct, say, 5 per cent. from the total of large proprietors in 1858, to obtain approximately the number of large land-owners who then farmed their own land. But another deduction for various proprietary bodies which usually let their lands should be made if the materials were at hand for doing so. Let 5 per cent. be assumed to represent this deduction, then, with notice of this possible inaccuracy, to however only a small degree, the 90 per cent. of the large proprietors entered in the seventeenth column of the Table of paragraph 16, and connected in paragraph 18 of this Part, can be taken to represent the large farming proprietors, *i.e.*, 13,500 out of 15,000. Some of these, however, let their estates for a time, and others farm one estate and let the rest of their lands. This custom of large proprietors farming the land has its good side and its bad side. The former, however, seems to more than compensate for the latter. It is good because, amongst other things, it tends to cause residence on the estate, and, at any rate, to cause the large land-owner to identify himself with the agricultural interests of the district and its population. It is bad in so far as large estates may be farmed with insufficient capital. It is not so much the fact of farming itself that causes this bad quality as the fact that the pride of landed possession prevents an owner without a sufficiency of circulating capital from selling a portion of the land in order to farm the rest better. The consequence is that a large landowner is often obliged to be satisfied with minimum crops on an extended area,

instead of maximum crops on a smaller area. Hence, too, the large owner without capital finds it better to let his land on agricultural leases than to farm it himself.

Owners of privileged estates.

72. By referring to the Table in paragraph 21, it will be observed that, of the owners of privileged estates only 4,637 have more than the average 400 acres of land, an average calculated for the whole Kingdom, and, therefore, comprehending for some rich soiled provinces estates of less than 400 acres. It would therefore appear that of the corrected 15,000 large landowners, scarcely over 4,000 are in possession of privileged estates. It would be interesting, if it were possible, to show how many such estates had changed owners since the beginning of the century, and how many had passed from the ownership of the nobles. It would also be interesting, if it were possible, to state how many such estates, and how many estates in general of large landowners, were feudally held or in *fidei commissa*. The probability is that one-half of the privileged estates are so restricted, and that very few indeed of other large estates are so restricted. It will be recollected how small a proportion of the total acreage of the Kingdom is subject to restrictions of this nature. Nearly, if not quite the whole of that restricted acreage is probably included in the acreage of the estates of the large proprietors of over 400 acres.

Finally, it may be remarked, that scarcely 800 large proprietors have estates of 1,000 acres and more, and of these scarcely 100 held estates of 2,000 acres and more, whilst the owners of 10,000 acres can almost be counted on one's fingers.

Property of higher classes, and of peasantry.

73. Before proceeding to the next sub-division, it will not be out of place to show, so far as such distinctions have been made in the statistics on the subject, what is the proportion of the property of the higher classes, and of the so-called rustic properties ("Rustical-besitz"), which are in fact the property of the yeomanry and peasantry. The following Table sets forth the facts, that in the provinces of Prussia and Saxony such properties have a half of the province, and the large non-peasant private properties have scarcely one-fourth or one-sixth of it; and that the acreage of the former throughout the six eastern provinces is as great as the acreage of the latter:—

Denomination of Properties.	Area of each Kind in the various Provinces.					
	Prussia.	Posen.	Pomerania.	Brandenburg.	Silesia.	Saxony.
1861.	Acres.	Acres.	Acres.	Acres.	Acres.	Acres.
State demesnes and forests	2,099,676	497,212	654,921	1,324,596	495,323	529,251
Privileged estates and other estates with representative rights in the Department ..	3,718,087	3,160,878	3,282,950	2,781,023	4,398,165	961,365
Other independent estate districts ..	396,829	266,700	349,783	264,129	191,914	58,360
Lands within towns	561,675	347,063	487,936	819,154	264,809	675,971
Rustic properties	8,052,000	2,669,205	2,602,668	4,426,108	3,950,068	3,825,836
Total	14,821,267	6,941,058	7,378,258	9,615,010	9,300,279	6,050,783

(c.)—*The Middle Proprietors.*

Independent yeomanry.

74. The middle proprietors are those who hold land in quantities, from 20 to 400 acres. They number 404,871, and with their families about 1,500,000. These 400,000, and the upper 600,000 of the small proprietors, form the independent yeomanry and the proprietary peasantry of Prussia, but of course include some owners of privileged estates, and a few others, who do not belong to the peasantry as a class, with their families. These are computed to number nearly 4,000,000 persons, that is more than one-fifth of the total population. They form, in all probability, the most valuable section of Prussia's population—not the most wealthy section, but the most valuable to the nation.

Owners of 20 to 200 acres.

It will have been observed in the Table of paragraph 16, that only 15,048 middle proprietors have property of from 200 to 400 acres, and that the overwhelming majority of 389,823 have land of from 20 to 200 acres. The middle proprietor who holds 50 acres, is considered well to do, and is not unfrequently the chief man of his village. It must be observed, once for all, that the terms "well to do," "comfortable," and the like, are only used relatively, and with regard to relation in Prussia. It would be impossible, within the space of this Report, to draw a comparison between classes in Prussia and classes in England or Ireland. Time and space only allow the relative positions of the classes to each other in Prussia to be touched upon; and readers, who wish to carry the comparison further, will, with their own knowledge of such matters in England and Ireland, be able, it is hoped, to do so with the data given in this Report.

Team-requiring peasant farms.

75. The team-requiring peasant farms nearly coincide with this middle property, and their number has consequently been repeated in the Table in paragraph 16 of this Part. It will be recollected, that in paragraphs 172 to 179 of Part II, it has been shown, that to 1859, the team-requiring peasant farms, although they had slightly decreased in number

in the forty years, had maintained in an unexpected degree their number against purchase by non-peasant owners, and against splitting up into new team-requiring farms and small holdings. It will be interesting now to add, that it results from an inquiry just being concluded by the Prussian Government, that within these later years they have continued to maintain themselves, and have not lost ground; but some large peasant properties had been separated into two or more, without losing the team-requiring quality. There are in some provinces very large peasant properties, which, as in the case of other large landowners, are too large for the capital of the owner. A separation into two or more parts of these is no disadvantage to the nation, and seldom even to the individual.

The limit of 20 acres is in some provinces too little to constitute a team-requiring farm, and too little to support a family decently. But in other provinces it is more than enough to do both of these things. Hence, the number of middle proprietors excludes a considerable number of proprietors, who are enabled to live, and to bring up their families decently by agriculture alone.

(*d.*)—*The Small Proprietors.*

76. Many would probably call the majority of the landowners in the previous subdivision, small proprietors; but it has been necessary to follow the Prussian statistics in this respect. The number of small proprietors is 1,696,909, according to the fifth column of the Table, in paragraph 16 of this Part: but according to the calculation in paragraph 18, can be estimated at 1,400,000,. Of these a considerable number possess sufficient land to support themselves and their families. The minimum for this purpose is 7 acres, or thereabouts, in very fertile and well-favoured districts and increases according to the decreasing local advantages, to 20 acres or more. If the number of peasant farms, not team-requiring, in column six be taken for a guide, then the number of the proprietors of the above minimum may be estimated at about 600,000. It is not intended to affirm that all these 600,000 owners are able to bring up families in average comfort and without occasional straits, but that they rely entirely upon the productiveness of their agricultural labour on their land, and in average times keep poverty at a great distance, and are in a position by great thrift to increase the ease of their position. The remaining small proprietors fall mainly into the category of persons only auxiliarily occupied with agriculculture. It will be borne in mind, that the figures of 600,000 are only approximative, and have been stated in knowledge of the difficulties of the subject which have been previously pointed out. That they are not very inaccurate, can he inferred from the following considerations:—The 400,000 middle proprietors, of which the accuracy of the return is not doubted, form together, with these 600,000, a total of 1,000,000, which corresponds, after certain allowances on both sides, with the return of 1867, of over 1,000,000 owners, tenants, &c., engaged in agriculture.

Their number.

Independent small proprietors.

77. With regard to the remaining 800,000, who are day-labourers, or who have another industry, either as their chief occupation or as auxiliary to their agriculture, little need be said. They form an important class of land-owning agricultural labourers, contain also many artizans, and probably include the small industrial people of the villages. At any rate these 800,000, and the 350,000 who possess houses without land, make together 1,150,000 persons who subdivide into these three chief categories.

The other small proprietors.

(*e.*)—*Tenants.*

78. Little need be here stated with regard to tenants, for their number and general position have been already treated in sub-division (*d*) of division (C) of Part II. They include tenants paying 5,000*l.* of rent, and tenants paying a few shillings. As has been previously stated, they are mainly tenants of the State demesnes, of the lands of communalties, and tenants in the Western Province; and lastly, in New Pomerania, where the yeomanry can scarcely be said to exist as a class. But they are also tenants of privileged estates and of free estates. Under the latter category come many tenants of peasant properties. The peasant-owner in this case is frequently absent, in order to work at some manufacture. The peasant-owner may, however, have become a landlord, as is frequently the case in the beetroot districts, where the beetroot sugar manufacturer takes on lease the peasant properties, and the peasant lives upon the rent.

Categories of tenants.

It is regrettable that it is not possible to separate exactly the tenants of State demesnes, of lands of communalties, of lands in mortmain, and of entailed lands, from the number of tenants in the Kingdom, excluding New Pomerania and Rhineland. In Rhineland agricultural tenants are frequent, bnt why they are so frequent will remain unknown to me until I have accomplished my intended short visit to one or two typical districts in that province.

The 30,000 tenants occupied entirely with agriculture are, by the side of the 1,000,000 proprietors similarly occupied, of very little moment to the State.

79. The intention was expressed in a previous portion of this Report to give an epitome of the various kinds of agricultural leases in use, but the intention cannot now be carried out. In New Pomerania it may, however, be added, the whole of the seed necessary for the farm is frequently provided by the landlord. The circulating capital of the tenant need not, therefore, be so large as it would otherwise have to be. **Leases.**

Public bidding seems to be adopted in respect of the State demesnes, of lands of communalties, and of lands in mortmain. The State demesnes have largely profited by it, but the competition seems seldom to have raised the rent too high. The system of letting by valuation or arbitration,* which seems to obtain at Greifswald, and of which it was intended to send an account, must pass for the present without further notice. **Public bidding.** **Valuation.**

Although sufficient information to warrant a decided opinion is not at hand, yet the suspicion, expressed in a former portion of this Report, that the rent obtained by agricultural leases would usually be in low proportion to the value of the land, seems to be not ill-founded, for I am informed that, except in respect of small portions of land, the rent seldom yields more than 3 per cent. on the value of the land.

(*f.*)—*The Agricultural Labourer.*

80. It is interesting to note at the outset that the Stein Hardenberg legislation has largely conduced to the increase of agricultural labourers. This could have been predicated of the change from compulsory to voluntary labour. But the fact of a larger rate of increase in the agricultural than in the town population has been proved. For instance, in the province of Prussia, in a period of forty-two years to 1861, whereas the population increased by 81 per cent., the urban population increased by the lesser per-centage of 60·1, and the rural population by the greater per-centage of 87·7. The cessation of restrictions on the supply and demand of the agricultural labour market had, no doubt, a most beneficial influence on the development of agriculture. Yet that development must not be solely attributed to the Stein-Hardenberg legislation.

81. Of the 2,197, 912 persons classed at A, *b*, of the Table in paragraph 68, 2,000,000 may probably be taken to represent agricultural labourers. Their families and dependents would form rather more than another 2,000,000. These labourers are day labourers, and farm and field labourers of both sexes. A very considerable portion of them are either owners or tenants of land, who work as day labourers at harvest and other times. The day wages are apparently higher than the wages of the farm and field labourers who are employed by the year; but, if allowance be made for the risk of want of work and for other incidents of the day labourer's earnings, they are not really higher, but on the contrary, he probably is in a worse position than the regularly engaged farm labourer. This difference is his payment for his independence and family life. On the other hand this position makes him exert more diligently his powers. Like that of the day labourer is the position of the great majority of small owners and tenants. It depends upon the facilities of acquiring or leasing land in the neighbourhood as to whether the day labourer is an owner or a tenant. Dr. Meitzen adds, "the inclination of the German to establish his family upon its own plot is a blessed trait of the greatest moral advantage. It has been sufficiently shown that the possibility of acquiring land fosters hope, encourages energy, and never lets useful activity flag." He is one of a multitude who think with him, in Prussia. Many of these small occupiers from love of property and family raise themselves above the rank of day labourers. But on the average the profit of the mass of very small holdings must be slender. The occupiers obtain a maximum gross produce, but the excess over the ordinary gross produce is required to pay the interest of the purchase money or the rent, which competition had increased. **Their number.** **Influence of proprietorship.**

(*a.*)—*The Labourer's Income.*

82. It must be remarked at the outset, that it is seldom the custom to pay all the wages in money. Very frequently the farm servants are boarded at the farm house. In other cases the payment is chiefly made in kind. The rate of a day labourer's wages is of great economical importance. Dr. Lengerke made an elaborate inquiry into that rate and

* This system has—so I have learnt since this Part was written—been substituted by letting to the highest bidding; hence no separate account is needed.

Position in 1849.

the other conditions of the day labourer for 1849, and the following Table gives the result for the various provinces. The unity is the family of an agricultural labourer, consisting of husband and wife, two to three children under 14 years, and an old person. The customary mode of life and not a supposed necessary mode of life was the standard adopted.

	House.	Firing and Lighting.	Food.	Clothing.	Fodder for Cattle.	Maintenance of Working Implements, &c.	Salt (condiments).	Taxes and Rates to State Schools, &c.	Total.	At the rate of 11 hours work by hand, in May, June, July and August.			
										Males.		Females.	
										At Harvest.	In other Work.	At Harvest.	In other Work.
	Ths.	Ths.	Ths.	Ths.	Ths.	Ths.	Ths.	Ths.	Ths.	Sgr.	Sgr.	Sgr.	Sgr.
Prussia	7·0	6·8	49·1	17·5	9·4	2·8	3·8	2·5	98·9	7·6	..	5·0	..
Pomerania	11·7	9·0	63·4	20·9	11·6	3·3	2·7	4·4	126·3	10·2	6·6	6·2	4·5
Posen	8·0	8·0	30·7	15·0	7·5	3·0	3·6	2·5	78·3	7·1	..	4·4	..
Brandenburg	7·8	5·7	59·4	21·4	3·1	4·0	1·9	5·1	108·5	8·6	6·4	..	..
Silesia	5·2	7·6	50·0	17·5	3·0	2·8	2·2	5·0	93·3	5·9	..	3·9	..
Saxony	9·1	9·2	59·5	15·6	3·5	2·8	1·9	3·8	105·5	7·9	6·2	6·3	4·7
										9·0		6·6	
Westphalia	8·1	9·5	42·8	15·3	3·6	2·1	2·8	4·5	88·7				
Rhineland	12·2	14·2	73·2	21·2	7·4	4·7	3·0	4·7	140·6				
Kingdom	8·6	8·7	53·5	18·1	6·1	3·2	2·7	4·1	105·1				

Position within the last six years.

83. What has been since ascertained on this important subject from the records of the land tax and from other sources, will now be epitomized for each province.

In provinces of Prussia.

In Prussia the wages of the farm labourer by the year are for a man as a rule 60*s.* to 90*s.*, and in better neighbourhoods where there is a manufacture as much as 105*s.*; for a girl 36*s.* to 60*s.* and in the better neighbourhoods 75*s.* and even 90*s.* Various higher classes of labourers have considerably higher wages.

In the smaller peasant farms the general farm servant has a smaller wage, but an allowance in clothing and linen.

Diet.

The board of a general farm servant, consists usually in summer of four and in winter of three meals; in the morning, milk or flour porridge, or grits, and dried peas and potatoes; at midday, vegetables and dumplings, sometimes with meat and sometimes without meat; at vesper time, milk porridge or clotted milk with bread, or also brandy; in the evening, potatoes with herrings and porridge; and on fête days, roast meat with white or fancy bread.

It is general to give meat two or three times a week, and for dinner not less than half a pound and as a rule not more than three-quarters of a pound. In the lowland of the Dantzic provincial district the farm labourer gets yearly 100 lbs. of fresh meat and 75 lbs. of fat of various kinds. The man get 10 lbs. to 16 lbs of bread.

Such a boarding is reckoned at a yearly value of 9*l.* to 13*l.* 10*s.* according to the district, and for a girl, who gets less bread, 7*l.* 10*s.*

Payment in kind.

On the larger farms it is not unusual to substitute for boarding a payment in kind. Thus for a man, 10½ bushels of rye, 10½ bushels of barley, 3 bushels of peas, 18 bushels of potatoes, 3¾ bushels fattening corn ("Mastgetreide"); one-quarter of an ox, as meat, or 21*s.*, half a thin pig or 15*s.*, 12*s.* for herrings, salt and pot money; in winter ½ a quart, in summer 1 quart, of milk daily; firing free; and on fête days beer and brandy. The varieties of this plan are numerous.

Contract labourers.

The custom is wide spread of establishing by long contract, labourer's families in houses on the property, giving them house and payment in kind. These receive for instance; house free, firing free, fodder and pasturage for a cow, a sheep and their increase; pasturage for 2 pigs; ¾ bushel of flax sowing seed, ¼ of an acre of potatoe land, 15 to 22½ bushels of corn for the summer months; in winter for threshing with flail every 10th or 11th and with machine every 13th to 16th bushel; moreover, the man gets in daily wage 4*d.* to 4½*d.*, and the girl or woman (whom he must provide) 2¼*d.* to 3½*d.* If he provides a second person, he usually receives the higher wage of a man. The income of such a family is computed at from 20*l.* to 21*l.* a year.

Computed income.

This institution is, however, going through a process of reform. The delegation to find the second labourer is not easy to fulfil, and the whole system, inasmuch as the day is paid for and not work, induces to shirking. Possibly this institution is a relic of the feudal obligations to agricultural labour, which took root in the transitional period. It is being reformed into a system of free labourers. These receive for instance house free, potato land, pasturage for a pig, free medical attendance; and the man is bound throughout the year to work at a daily wage of 6*d.* to 1*s.*, and the woman in the summer at 5*d.* to 7*d.*

Free labourers.

The practice varies, but the payment for threshing remains everywhere as under the old system.

Piece work is thus paid:—For mowing, 13*d.* to 21*d.* per acre; for digging up potatoes, ½*d.* to 1¼*d.* per bushel; for dressing with marl, 13*s.* 6*d.* per acre, and with mould, 27*s.* per acre. Piece work.

The climate renders good food necessary for the labourers, and renders difficult every increase of external comfort by the cold and long winter.

84. In Pomerania the wages vary much. The lower rates are—for a man, 54*s.* to 75*s.*; a boy, 24*s.* to 45*s.*; and for a maid, 36*s.* to 54*s.* The higher rates are—for a man, 120*s.* to 150*s.*; for a maid, 60*s.* to 90*s.*, and also 20 ells of linen, or one-third of a bushel of flax seed for sowing and 2 lbs. of wool. The board is generally good, and consists usually—in the morning of milk porridge, with dumplings or grits; at midday of milk porridge and potatoes, vegetables, pease, beans, "bubble and squeak;" in evening, of milk porridge and potatoes, with herring or potato soup. To this is added meat three or four times a week, either ¼ lb. of bacon or ½ lb. of other meat, and on Sundays baked fruit and dumplings. The man receives 14 lb. of bread with 1 lb. of butter or lard a week, and the maid 10 lb. with 12 ounces of butter or lard. This board is computed at 10 guineas a year. In Pomerania. Wages. Diet.

Besides the farm servants three-fourths of the necessary labourers are engaged by the year. They have usually house and firing and the keep of one cow, three to four sheep, and often also one to two pigs. Garden and tillage up to 1⅓ acres free, and more or less payment in kind. In return they serve on certain days without money wage, and perform all necessary agricultural work at lower rates of wages. Their position varies considerably in different districts. Contract labourers.

Piece-work is paid rather higher than in Prussia. The casual labourers are also paid for harvest work 15*d.* to 24*d.* for twelve to fourteen hours to the man and 9*d.* to 12*d.* to the woman; for summer work 12*d.* to 18*d.* for ten to twelve hours work to the man and 6*d.* to 9*d.* to the woman, and for winter work 9*d.* to 12*d.* for eight hours to the man and 6*d.* to 9*d.* to the woman. Piece work.

The rate of payment for threshing is rather less than in Prussia.

85. The examples selected from the two preceding provinces will suffice to indicate the modes and details of paying the agricultural labourer. It is only necessary, in regard to other provinces, to give the computed value of the labourers' aggregate receipts and to note any striking variations from the preceding examples.

In Posen the farm servant receives a computed annual value of 10*l.* 10*s.* to 13*l.* 10*s.* Meat is seldom allowed. The married farm man receives 18*l.* to 20*l.* a year. Piece-work and threshing are paid about the same as in Prussia. In Posen.

In Brandenburg wages are about the same as the higher rates of Pomerania. The immigration of labourers into the province begins in May. When piece-work is not possible, the men, women, and maids are paid 9*d.* a day, and receive rooms, wood, and potatoes free. Brandenburg.

In Silesia the man receives a computed annual value at the lower rates of 9*l.* to 10*l.*, at the higher rates of 10*l.* to 15*l.*, and the maids correspondingly. Half a pound of meat is allowed twice a week. Here the farm labourers are chiefly married. The wages of day labourers are low. Piece-work is much more cheaply paid than in Pomerania. Silesia.

In Saxony the man receives a computed value of 18*l.* to 20*l.*, and the maid 17*l.* to 18*l.* Half a pound of meat is allowed three times a-week. Here, too, there is a considerable immigration of labourers. Saxony.

Piece-work is paid as high as in Pomerania.

86. In Westphalia there is great variety of wage. In Münster provincial district the wage is high and the board very good. Meat is generally allowed every day, and on many farms beer is given. Coffee is allowed morning and afternoon. The wages of a man are from 3*l.* to 7*l.* 10*s.*, of a maid 3*l.* to 4*l.* 10*s.* On the smaller peasant properties the wage is rather less, but the man gets a pair of boots and three shirts, and the maid a pair of shoes and flax for two or three chemises. Coffee and meat are not allowed every day, but otherwise the board is very good. As it is the local custom to wash linen only twice or thrice a year each person requires a good stock. Hence, also, this is a reason for payment in kind taking the form of shirts. In other provincial districts the annual value of the labourer's income would be less. Westphalia. Diet. Wage. Linen.

In some departments there is a state of relations which exist from time immemorial. The labourers have contracts of four to twelve years and live in scattered houses round about the farm. The house consists of three to four rooms, stalls for one or two cows and pigs, threshing floor, and garrets. A quarter of an acre of garden land and 2½ acres to 3 acres of tillage are attached. For all this they pay 3*l.* to 3*l.* 15*s.* a year. They are Contract labourers.

bound throughout the year to work on the farm of their landlord; without board, the man woman or maid for $2\frac{1}{2}d$. He is allowed a draft animal for ploughing, if he do not use his own cow. As a rule he is bound to keep one cow and fatten one pig. This kind of position is said to be favourable and even comfortable, and is often inherited from generation to generation.

Piece work.

Piece work is better paid than in the East, and threshing is usually paid in money at the rate of 6*d*. per bushel of rye, and 3*d*. per bushel of oats. Mowing is paid higher in the manufacturing districts. In this province there is a yearly emigration for haymaking and harvesting to the Rhine and elsewhere.

In Rhineland.

Wages.

Diet.

Payment in kind.

87. In Rhineland wages have considerably risen. Wherever manufacture preponderates, there they are specially high. As a rule the wages of the man vary from 6*l*. to 12*l*. according to his position as well as the district, and of a maid 3*l*. 15*s*. to 6*l*. 15*s*. also according to her position as well as the district. The board is good, and as in Westphalia, coffee and meat are daily allowed, and on Sundays here and there, two dishes of meat are put on the table. Towards the hills the wages are lower. In places, where very low wages are paid, an allowance of clothing is made. Thus a man receives 1 pair of boots, 1 pair of shoes, 2 pairs of linen drawers, 1 linen jacket, 2 shirts, 2 pairs of stockings, 1 cap, and 1 necktie, being together of a value of 36*s*. to 45*s*., and a maid receives a value of 24*s*. The board is, however, good, and it is seldom that meat is not given twice or thrice a week. In the coal districts the wages have risen with the wants of life.

Contract labourers.

The contract or annual labourers, not forming part of the farm household, are paid on the average 1*s*. a day in summer, and 10*d*. a day in winter, with house-rent free; or 1*s*. to 1*s*. 3*d*. a day, paying 3*l*. 12*s*. for the house. But the rule is to give no house or garden land, or keep of cow. In the district of Bonn and some others, the wages are 10*d*. to 1*s*. 3*d*. with board, or 1*s*. 7*d*. to 1*s*. 10*d*. without board in summer, and 5*d*. to 6*d*. with board in winter. Moreover, the year through without board, the wages are often 1*s*. 3*d*. a day.

Day labourers.

The day labourers have partly a small property which they either cultivate themselves or their family and dependents cultivate.

Piece work.

Piece work is for example paid; for reaping, binding, &c. 4*s*. 6*d*. to 6*s*. 9*d*.; for grass mowing, 4*s*. 6*d*.; for clover mowing, 3*s*. 9*d*. per acre, and for threshing $4\frac{1}{2}d$. to 5*d*. per bushel.

Facilities to hold land.

Into this province there is a large immigration annually of agricultural labourers. The greatest facility exists for a day labourer to become a land occupier either by purchase or lease. Unfavourable crops, especially failures of potatoes, and reduced work in manufacture, places such of these occupiers as are of little intelligence in straits, so that their condition changes much from year to year. But in general this class of the population is placing itself in a correspondingly better position.

General remarks.

88. Very few general remarks are required upon the income of the agricultural labourer. Wages have risen everywhere, and the inference is that farming has improved, and the position of the labourer has been bettered. The rise in the price of food has not had as great an influence on agricultural wages as on manufacturing wages of the town workman. It will, however, have been noticed that the well known fact of the influence of manufacture and its resulting increased density of population recurs in the provinces of Prussia. In all parts the agricultural labourer appears to be contented, and complaint and dissatisfaction have only occurred in East Prussia and Silesia, where in 1846-48 various extraordinary circumstances, scarcity, &c., combined to depress the condition of the labourer. For information in respect to other facts in connection with the position of the agricultural labourer, I beg to refer my readers to pages to of Mr. Petre's "Report on the Labouring Classes."

Contrast of north-east and south-west.

The difference between the mode of payment and services of the agricultural labourer in the north-east and south-west of the kingdom will have been observed. In the former the chief feature of labour is the employment by contract for a year or more of unmarried or married farm servants, and of families provided with houses on the property. In the latter, the free day labourers preponderate. Such labourers in the olden times could only exist in the towns. Now, as has been seen, they form an important element of the agricultural labouring population. It will be remembered that a reference to the laws affecting the labourer was reserved for this portion of the report, but this subject, however interesting, must, as being incidental to the main subject of this Report, now fall out. But mention must be made of the extra-legal attempt to prevent untoward relations between farmer and labourer, in which the law is powerless to intervene to the advantage of either party, by founding institutions for specially instructing the agricultural labourer. In pursuance of this idea many orphanages and refuges have been founded, in which the

Institutions for teaching agriculture to peasantry.

inmates are taught agricultural labour. Prussia thanks Pestallozzi and Fellenberg for originating such institutions.

(β.)—*Their Social Condition.**

89. It must be conceded that during the last fifty years the relations of agricultural labour have been greatly improved. The diligence and self-consciousness of the labourer have increased considerably. But he has yet much to accomplish. The three chief accusations against agricultural labourers were immorality, drunkenness, and thieving. In Dr. Lengerke's inquiry in 1849 these accusations were not made in the western provinces and in parts of Saxony, but they did not fail in other provinces. At present the north-eastern provinces are still open to these accusations. But this is not the result of moral depravity. It is owing to defective knowledge and education, and is a remaining result of their former unfavourable condition. The system of contract labourers, under obligation to bring one or two other labourers into the field, is in some measure responsible for the immorality, inasmuch as the one or two, so to speak, gang labourers were usually girls who lived in the same room as the family. Spirit-drinking is seldom restricted by considerations of health or of economy. The heads of farms know this weakness, and use it to spur the labourer to greater diligence. In a few districts the Catholic priests have succeeded in winning over the labourers to total abstinence. The disposition to thieve is not uncommon. The harm of it consists in being found out. This disposition is also a regrettable relic of the former days, and its justification is still based by the labourer upon the pleas that the owner is living in ease and that he is not injured. There is also a good deal of jealousy and distrust amongst themselves and of the landowners and their families.

Cause of vices.

Children are not carefully tended and reared. The wives are obliged to work daily throughout summer and autumn, and on many properties in winter also. They go very early to work, are free half an hour before mid-day to prepare the dinner and do other household work, and return to work till sunset. The children come badly off. Often there is no older child to take charge of the little ones, who are consequently left to themselves in the house. A direct result is the great mortality of children. From 1858 to 1861 there died in the province of Prussia, out of a population of 2,190,072, an annual average of 21,290 children under one year, and of 40,845 children under ten years, being 0·97 and 1·86 per cent. of the population. Whereas in the Rhine province, with a population of 2,112,959, the per-centages were 0·57 and 1·12 respectively. The difference is in the ratio of 7 to 4.

Children.

The education of the agricultural labourer is defective, and he has no sufficient inducement to retain what he may have learnt. Often two or three families live in the same small dwelling, sometimes with only one room for sleeping, living, and cooking in. These labourers are seldom thrifty. Few men and yet fewer women have any idea of housekeeping. They live from hand to mouth. The humble prosperity of the family depends upon the kind of wife, other things being equal. If she be not a good manager, the wolf is always at the door.

Education.

Over-crowding.

The agricultural labourer lives and dies a mere day labourer. He knows he cannot change his lot. How different all would be if he saw even before his eyes the opportunity of acquiring a plot of land by the exercise of economy! The proof of this is repeated in the numberless examples which in this respect are offered by the Rhine province and other districts with minutely subdivided land. Thousands of agricultural labourers, who formerly had not a single inch of soil, have, by a period of economy, purchased house and a plot of tillage.

Influence of sense of property.

His religious consciousness is suppressed. It could not display itself when he was a kind of marketable ware and not a free man. The Church will have to bring special influences to bear upon him. Adult schools must be provided. Nurseries for children must be established. People's libraries should be cheaply founded. Early marriages should be discouraged. And last, but not least in Dr. von der Goltz's enumeration of remedies, the increase of small landed proprietors and of landowning labourers should be promoted. Their labour is cheaper than that of the usual contract and annual labourers.

Religion.

Remedies.

This description of the agricultural labourers of the North-east of Germany forms the extremity of the social scale of agricultural population. The references to the western provinces will have indicated the much better social condition of their labourers. From them, through the various classes of small proprietors, the dark colours rapidly fade out.

Disappearance of these evils in higher grades.

* I am indebted to the able pamphlet of Dr. von der Goltz, on "The Agricultural Labourers of North-East Germany," for this account.

(*g.*)—*Supplementary Remarks.*

90. The first will be as to the buildings of the agricultural population. The German custom, as old as Tacitus, of placing the farm-houses and farm-buildings of the agricultural district, according to a regular plan, within an acre or two of land, and each farmstead detached with or without a small house-garden, is widespread throughout the kingdom, and has been already noticed in referring to the outward arrangements of the land. It arises probably from the ancient idea of property in land, according to which only the house was separate property and the land was common property. There are also the isolated farmsteads of Westphalia and the Lower Rhine, and the aggregation in irregular villages of the houses and buildings as in the "close villages" between the Rhine and the Elbe.

The following Table gives various details of interest in connection with this subject:—

	Prussia.		Pomerania.		Posen.		Brandenburg.		Silesia.		Saxony.		Westphalia.		Rhineland.		Kingdom.	
	Towns.	Country.	Towns.	Country.	Towns.	Country.	Towns.	Country.	Towns.	Country.	Towns.	Country.	Towns.	Country.	Towns.	Country.	Towns.	Country.
1. Buildings	98,028	628,929	89,306	253,280	78,328	314,392	165,685	474,616	111,420	937,481	187,100	571,213	65,504	314,619	174,851	914,985	970,222	4,409,515
Total per Province .	726,957		342,506		392,720		640,301		1,048,901		758,313		380,123		1,089,836		5,379,737	
2. *a.* Dwelling-houses ..	44,260	236,125	34,062	98,245	33,355	109,625	68,105	154,296	54,641	371,926	80,100	190,509	45,048	176,464	107,212	363,047	466,783	1,700,237
Total per Province .	280,385		132,307		142,980		222,401		426,567		270,609		221,512		470,259		2,167,020	
b. Average yearly value in thalers	103·50	17·33	95·50	17·52	64·50	16·62	236·25	21·11	114·50	13·85	60·75	19·05	64·70	19·02	100·75	17·54	109·40	17·38
c. Average No. of inmates .	15·1	9·9	13·0	10·0	12·5	10·1	19·2	8·5	14·2	7·4	9·7	6·6	9·7	7·0	10·6	6·0	12·8	7·7
d. Average value per inmate	6·86	1·75	7·30	1·75	5·25	1·65	12·30	2·49	8·10	1·87	6·26	2·89	6·68	2·70	9·50	2·90	8·55	2·26
e. Dwelling-houses per sq. geographical mile ..	39	207	63	180	63	208	94	213	75	509	175	416	123	482	220	746	94	342
Total per Province .	246		243		271		307		584		591		605		966		436	
f. Dwelling-houses per sq. geographical mile of cultivated land ..	53	283	83	240	85	280	151	342	111	760	231	550	178	700	336	1,140	134	487
Total per Province .	336		328		365		493		871		781		878		1,476		621	
g. Ditto, of crop-bearing area	75	404	112	322	105	344	198	449	133	905	285	678	280	1,101	436	1,549	177	644
Total per Province .	479		434		449		647		1,038		963		1,381		2,005		821	
3. *a.* Stables, sheds, and barns	30,552	364,297	37,912	139.273	26,423	192,923	64,439	296,190	36,684	527,642	63,063	347,720	11,105	121,222	37,188	512,385	307,366	2,501,652
Total per Province .	394,849		177,185		219,346		360,629		564,326		410,783		132,327		549,573		2,809,018	
b. To each dwelling-house .	0·7	4·5	1·1	1·4	0·8	1·8	0·9	1·9	0·7	1·4	0·8	1·8	0·3	0·7	0·4	1·4	0·7	1·5
c. Live stock, per house .	8·9		8·6		8·3		6·7		4·6		4·4		4·1		2·8		5·4	
d. Ditto, per sheds, &c. .	6·3		6·4		5·4		4·1		3·5		2·9		0·8		2·4		4·1	
e. Sheds, &c., per square geographical mile ..	27	322	69	255	50	368	89	409	50	722	138	759	30	331	76	1,055	62	503
f. Ditto, of cultivated land	37	437	93	340	68	493	143	657	75	1,079	182	1,004	44	479	117	1,609	88	717
Total per province .	474		433		561		800		1,154		1,186		523		1,726		805	
g. Ditto, of crop-bearing area	52	623	124	457	83	605	187	861	89	1,286	224	1,239	69	753	158	2,182	117	948
Total per province .	675		581		688		1,048		1,375		1,463		822		2,340		1,065	

Comparison of provinces.

With regard to buildings the assessed annual value can be taken to represent more nearly their true value than the returns of land and its cultivation. It will be observed that the agricultural house has, in Brandenburg, an average value of about 3 guineas, and in Silesia of about 2*l*. Between these extremes, Rhineland, Pomerania, and Prussia come with about 50*s*. each. The average number of inhabitants in an agricultural house is the highest in Posen, at 10·1, the lowest in Rhineland, at 6·0. Thus, the value per person of the house is rather over 4*s*. in Posen, and over 8*s*. 6*d*. in Rhineland. The number of houses per square geographical mile is lowest in Prussia with 317, and highest in Rhineland with 1,476. In all these particulars the contrast between the north-east and the south-west is maintained. With regard to farm-buildings, Brandenburg seems to be best provided per farm-stead, whereas Westphalia is badly provided. As regards cattle of all kinds, Prussia has per house 8·9 head, Rhineland has only 2·8 head. But per farm buildings, the largest number of cattle are in Westphalia, with 6·8, and in Pomerania, with 6·4, and the least number in Rhineland, with 2·4. Rhineland has, however, the greatest number of farm buildings per square geographical mile with 1,720, and Pomerania the least with 433. If these comparisons could be followed out in various provincial districts, the differences would have been yet wider.

It is evident that the large proprietorship and the small proprietorship have much to do with these differences, and so has the density of population. But many of the numbers contradict the general inferences from such premisses. Why, for instance, has not Westphalia at least double its number of farm buildings? It can scarcely be due only to the preponderance of grazing over stall-feeding.

Dwelling-houses.

The question of dwelling-houses is one of immense importance, but cannot find place herein for due treatment. Neither is it possible to enter into details of the domestic plan of the houses and the farming plan of the agricultural buildings of the cultivating population. It would require much space to comment upon the interesting and multifarious information in the preceding Table.

Land credit.

91. The second set of supplementary remarks refers to the question of agricultural credit. I had made various notes with the intention of treating this important branch of the subject with some degree of fulness; but the land credit question, with its needs and projects must be left on one side, and the pecuniary condition only of the agricultural classes be touched upon in a few sentences.

Labourers.

The pecuniary condition of the agricultural labourer has been stated in giving the details of his income, and in recording that he is often able to buy land. As regards the smallest proprietors, who are occasionally day labourers, they can obviously obtain but little assistance by credit. Their circulating capital must be increased by their economies, and that capital consists mainly of their own labour and attention.

Small proprietors.

The small proprietors enjoy a certain amount of credit, and they seem to use it to about the same degree as the large proprietors. The total amount of land debt to land value has been already estimated, in this Report, at one-half; but from other accounts it can be estimated at two-thirds. This proportion, taking the whole Kingdom, seems to hold good in the opinion of several competent persons, both for the large and small proprietors. There exists, however, a difference in the causes of incurring debts on the land. The small proprietor incurs them chiefly to secure equal portions for his children without actually subdividing the land. He also incurs them frequently in the first instance, in order to buy his farm; and his tendency is to buy as large a farm as he can, instead of buying a smaller farm and retaining a larger amount of circulating capital. In this respect he has, however, the too frequent example of the large landowner. On the other hand, the large proprietor seems to incur much mortgage debt, in order to pay off family debts or to maintain a certain social position. Hence the indebtedness of the large proprietor often represents permanent loss and is not extinguished, whereas the indebtedness of the small proprietor generally represents temporary needs, and is extinguished in course of time. Economically the former indebtedness is often unproductive, and the latter indebtedness is generally reproductive. The small or middle proprietor, who remains with the family land gives a mortgage, usually at ten years, to each brother and sister for their portions as in an equal or unequal division of the inheritance shall not be discharged by accumulations of the father invested in other things than land. The cases appear to be comparatively rare in which the smaller or larger proprietor gives a mortgage for the purpose of obtaining circulating capital.

Proportion of land debt.

Causes of debt.

Raising circulating capital.

It is usual in respect of agricultural tenants to covenant in the lease for a deposit equal to one or two years' rent. This is, by the way, the exact reverse of a hanging gale. Tenants raise money on personal credit, but, so far as is generally known, the farmer who leases a good-sized farm does not require to raise any portion of circulating capital. There are no special facilities for obtaining circulating capital either for the large or small proprietors or the tenant.

Middle and small proprietors.

As a class, the middle proprietors are considered to be in easy circumstances and in

many cases to be in possession of considerable savings. Relatively to the large proprietor both they and the small prporietors are in a better position in Prussia than are in England the corresponding middle and small agricultural tenants to the large proprietors. These middle proprietors and small proprietors seem to make comparatively little use of savings banks or Consols or other investments in national moveable investments, but they lend on mortgages and promissory notes and still continue in not a few cases to prefer stockings and mattrasses for their bankers. Many of these proprietors have still to pay off their rent charges for the abolition of real charges and services.

Social condition of agricultural population.

92. The third set of supplementary remarks is an extension of the sketch in the previous subdivision of the social conditions of the agricultural labourer. That sketch displays the social condition at one extreme of the social scale. The well-known social condition of the higher classes, who are usually landowners, represents the social condition at the other end of the social scale. Between these extremes the small and then the middle proprietors can be assigned their position, if it be borne in mind that the mass of small proprietors are only slightly above the social level in intelligence and habits of the agricultural labourer, and that the majority of the middle proprietors have rather less general intelligence and much less expensive habits than their pecuniary position would lead one to expect.

Small proprietors.

The small proprietor is usually exceedingly thrifty and generally free from the three chief vices of the agricultural labourer of the north-eastern provinces. He does not thieve, and as a soldier respects the watch and purse of his slain enemy. In this respect the German soldiery of Prussia even of lower station than the small proprietors voluntarily and universally follow their praiseworthy example.

Intelligence.

As a rule it may be affirmed of the agricultural population that, although rudimentary instruction is remarkably wide-spread and almost universal, yet there is much work for education, as distinguished from instruction, to accomplish. The peasants, however, lose nothing, so far as I am acquainted with them, by being compared with the corresponding classes in England.

Middle proprietors

The middle proprietors are distinguished for their liberality in religion, their conservatism in politics, their careful economy in money matters, their praiseworthy sobriety in morals, their conduct in social relations, and their practical knowledge of agriculture; but they are not distinguished as they might be for curiosity in knowledge out of their own immediate sphere of labour. The want of this kind of curiosity may not be natural, but may be artificial. It may be merely the result of the too paternal Government which till lately kept the peasant in the state of an infant citizen; and, in a generation, indolence in knowledge may be as completely shaken off as indolence in agriculture has been since the accomplishment of the objects of the Stein-Hardenberg Legislation.

Influence of large proprietors.

With regard to the large proprietors it may be added that, though they are few in number, their influence is considerable, and is for the most part beneficially exerted. Their privileged position in the Departmental representation, which is now a Parliamentary question, gives them no real influence, and as it is an offence unto the many, its reform is sensibly accepted by many, probably most, intelligent owners of privileged estates. As county counsellors ("Landräthe"), representing their Departments, the larger proprietors are generally of great service to the nation. They employ, for the benefit of the local population, an useful accumulation of instruction and higher education, and usually constitute no unimportant force in the resultant of forces, which causes Prussia to steadily progress in the development of her national wealth, and the Prussian people in the development of their national ability.

Pauperism.

Pauperism is an incident of social condition which it had been intended to treat in connection with the poor-laws of the land. But it will suffice to remark, that in purely agricultural districts pauperism is very rare, and beggars are unknown.

Monetary condition of land.

93. The fourth supplementary remark is as to the value of land. Under the heading of capital of land, it was proposed to assemble various particulars of the value of land, of its permanent and circulating capital, and of its borrowing powers, as well as of its returns to the cultivator. But whatever man may propose, time too often frustrates his intention. It will suffice to record as a fact, to which testimony is borne by all classes, that as regards the returns of land, the small and middle proprietors obtain a greater return per acre than the large proprietors. The reasons are obvious. Even if the labour of the family of the small proprietor be reckoned in the comparison, the result is the same. Moreover, the profit to the individual cultivator seems, in Prussia, to be universally larger from good ordinary farming than from high farming with expensive manuring.

Profits of small proprietors.

Taxation.

94. Finally, it had been intended that the taxation of the land should be treated in a division of this IIIrd Part of the Report. This subject, too, which does not bear so directly upon the object of this Report, must be omitted. But it may be noted that, as the indirect taxation of Prussia extracts about 6*s.* from the pockets of each person

for the actual necessaries of life, and, as a labourer earning, say 15*l.* a-year, would pay on the average for himself and family, 30*s.* in indirect taxation, and 9*s.* in class tax, the labourer of the land would be rather heavily taxed. If a person paying income-tax, say on 150*l.*, be taken for comparison, and his necessaries of life be assumed to be the same as the labourer's, then he would pay for himself and family, in indirect taxation, 30*s.*, and in income-tax, 90*s.*, and consequently would be comparatively lightly taxed. The taxation of the former reaches 13 per cent., that of the latter only 4 per cent. But the difference between the two is much greater, for even 4 per cent. to the former would, in proportion, be much harder to pay than the 4 per cent. to the latter. If only a rapid thought be given to the fact of the greater inequality in former days of taxation as between class and class, and to the existing facts of the greater demand upon the labourer for the expenses of the State, facts which are not restricted to Prussia, no wonder will be expressed that, after the withdrawal by the State of such sums from the labouring-class,* that that class does not approach nearer to other classes in its aggregate wealth. In Prussia, the agricultural labour class seems to be nearer the other classes in this respect than in some countries. Doubtless, indirect taxation in Customs' duties, or in other forms, and especially protective taxation has, in an undetermined but considerable measure, assisted in bringing about unequal distribution of wealth. Indirect taxation is often defended on two grounds; the tax-payer does not feel it, and if it were abolished the tax-payer would would not get the benefit. Even, if prices did remain the same after abolition, it would not be the fault of the State, and then no agitators could say to the labourer, that the State (in the hands of an oligarchy, or aristocracy, or middle-class, according to the notion of the agitator) extracted the money from his pockets and favoured the more monied man. If Prussia reduced her indirect taxation the labourer would, in the end, benefit. She could follow the examples of other nations, and would probably follow the further example of any other nation, reducing still more its indirect taxation. At present indirect taxation is too often everywhere, as regards its incidence upon each individual of the various classes, an upright cone resting on the paupers. If at any time the cone should be inverted, the sins of the fathers of several generations will be visited upon the children. Taxation should be either an inverted truncated cone, or at any rate a cylinder.

ıfluence on ıbourers of ıdirect taxation.

95. One word on the army. Whatever may be the actual and immediate injury which the military system of Prussia inflicts upon manufacture, commerce, and the professions, it does not seem to be so directly injurious to agriculture. Economically, it doubtless withdraws reproductive labour from agriculture; but, on the other hand, it sends the agriculturist back to his agriculture a better and a wiser man. This interesting question of the undoubted advantages of the army as a school for the nation is too large to be now treated. Possibly the loss of reproductive labour is compensated to the nation by the gain in physical and moral qualities of the peasant and artisan. But, when the nation is thus educated and trained to a higher grade, this set-off will cease. If then swords are turned into ploughshares, the nation will not regret the loss of reproductive labour. In the meantime, the agricultural population furnishes the strongest soldiers, and provides, as compared with the manufacturing population, soldiers in the ratio of nearly 2 to 1. And it is from the yeomanry and peasant proprietors that a great portion of the military strength of Prussia proceeds. Indeed in most agricultural districts it is a distinction for a man to have been a soldier; and, although it may not bring the returned labourer higher wages, it certainly invests him with an important precedence, even in equal claims for work.

rmy and agricul- ıre.

(E.)—*General Observations.*

96. I have very small qualifications for venturing to make any general observations in summing up the chief facts connected with the agricultural conditions of land in Prussia, as presented in this part of the Report. I am only slightly acquainted with the theory, and I am quite unacquainted with the practice, of agriculture. Yet, I hope that any such observations which may occur in this division will not be altogether useless or valueless.

97. It will be observed that Prussia, with scarcely 50,000,000 acres for plough and grass land, has a greater agricultural area than Great Britain probably has with, if I recollect aright, 57,000,000 acres of aggregate area. In the British agricultural statistics of a few years ago only 45,000,000 acres were accounted for. In most parts of Prussia no space, or very little space, is lost by the subdivision of the land into fields by hedges, banks, and ditches. The gross available area therefore is rarely more than the actual

griculture mpared.

o space lost.

* No doubt the rate of wages was, and is, thereby affected, and therefore a part certainly, but the whole doubtfully, of this difference is in reality paid by the wage giver and not the wage recipient.

available area. In England, on the contrary, the difference between landlords' measurement and the available area is frequently more than 10 per cent. But this is by the way. It is impossible to compare the aggregate produce of the two areas. Their relative productiveness may be inferred, if the returns of wheat be taken as a standard. The average return of wheat in Great Britain is 9 to 1—a proportion which is considered by many to be humiliating to our science. Now, I believe that the Prussian farmer usually sows about three bushels per acre. As can be seen from the Tables of gross produce in paragraphs 37 to 45, the average maximum return of wheat in any district is 12 to 1. This maximum return is, however, rare. From a due consideration of the frequency in those Tables of the various ratios and of the areas to which they belong, it may be safely inferred that the average return of wheat for the Kingdom of Prussia is much under 9 to 1. Hence it would seem that the productive area of Prussia yields less return relatively than the productive area of Great Britain. On the other hand, the inference might be in favour of Prussia, if a comparison of the climatic conditions, and of the proportion of favourable to unfavourable soils, in each country could be made. It is also impossible to attempt to compare the two countries in respect of high and low farming. But really high farming occurs rarely except in connection with the beetroot sugar industry. At present high farming does not appear to be relatively as profitable in Prussia as medium farming. This may arise, but ought not to arise, from expensive experiments or from serious mistakes. But, until the really high farming is shown unmistakably to be more profitable than medium farming, the peasant proprietor will not adopt it. He cannot afford the luxury of maximum crops at a less return to himself. The success of high farming must depend upon two indispensable conditions—that of a sufficient demand for the maximum crops, and that of a relatively lower cost of production,—the selling price remaining the same, which it would probably not do. It is not, however, within the scope of this Report to try to ascertain whether or not these two conditions are so universally satisfied in Prussia as to warrant the expectation of universal high farming. Medium farming seems to be better and more careful than the medium farming of England. This, at any rate, can be noticed, that the average farming of the less-acred middle proprietor is more careful than the average farming of the corresponding tenant farmer in England. This applies in the main to the small proprietor also, who has a cow or a couple of cows or a team of oxen or a horse for farm work. The gardening cultivation is renowned for its care and intelligence.

High farming.

Medium farming.

98. It will probably have been inferred by the reader that the parallel drawn in paragraph 46 between the farming of large and small proprietors, in respect mainly of rotation crops, did not show unfavourably under the circumstances for the latter. It must be borne in mind that the small peasant proprietor is usually restricted to the narrow knowledge of his immediate district. Moreover, he wisely—it would be dangerous to his small livelihood to do otherwise—mistrusts his ears, and places confidence alone in his eyes. The large proprietor does not need to have knowledge brought to his door and experiments to be made at his threshold. He must be naturally expected to lead the way in improvements of cultivation. There are exceptions, but, as a rule, the small proprietor readily adopts an improvement, the success of which he has watched from first to last. Some middle proprietors, whose incomes are already more than their needs, are slow to adopt changes, and prefer, like some small proprietors, to cultivate as their ancestors cultivated.[3] In other districts the conditions are such, that the peasant proprietors cannot abandon the old three-field system of cultivation. I am also informed that agricultural progress is generally greater where equal division on inheritance of the property obtains than where the custom is to pass on the farm undivided from father to son: but this requires verification, Moreover, there seems to be but one opinion as to the comparatively larger returns from small than from large farming properties. Association will probably enable the small farms to hold their own in this respect too, in spite of expensive machinery and of intensified cultivation.

Parallel between large and small proprietors.

99. As to the system of farming it must be acknowledged that the details hereinbefore given do not suffice to appreciate, as a whole, the system in Prussia. Possibly an agriculturist could infer from the general physical conditions, geographical position, and the customary rotation of crops of a given district (as already given in this part of the the Report), that the farming is economically managed or the contrary. But I am incompetent from such data to say, that the Prussian farmer has well distributed his farm work throughout the year and advantageously selected his crops. Inasmuch as the chief object of cultivation must be not only to diminish the cost of production but to prevent exhaustion of the soil, and as in this respect the rotation of crops is one method of doing the one and preventing the other, the details on this point will, it is hoped, be of some use. It will be noticed that the due preparation of green and grain crops is not always kept; but

System of farming

then details as to the use of manuring and to the preparation of the land for restoring the balance fail. In respect of management of grain crops the Prussian farmers are, as a whole, in advance of most farmers, but our farmers have certainly an advantage in respect of quality and, to a certain degree, of management of live stock. Yet the Prussian farmer has more frequently perceived the benefits of stall-feeding for cattle than the English farmer has. Is this due to the fact of proprietorship in place of tenancy and to the fact of comparative smallness of the farms? The small farmer in Prussia could seldom pasture cattle, but by stall-feeding his cattle are more numerous and his manure is relatively to his land in greater proportion than on the large farm. A chief defect in Prussian farming is doubtless the relatively small number of cattle. One cause of this is that there has been no extensive market for meat, or rather that the farmers have not sufficiently appreciated the importance of producing meat. This defect is, however, being remedied; and greater attention is paid to the quality of the horned cattle, especially since sheep, solely for woolgrowing, have become comparatively of little value.

Agricultural progress.

100. As to agricultural progress one great fact is evident. That progress is enormously indebted to the extinction of rights of common, especially to the commutation of the prejudicial common of fallow and stubble pasturage. It is obvious that a large part of the agricultural progress of Prussia must be ascribed to this portion of the National Agriculture Legislation. Indeed, the assertion in the previous part of this Report, that all the progress of Prussia must not be attributed to the regulation of property relations and the commutation of real charges, is confirmed by inquiries into the agriculture past and present of Prussia. Then, too, the influence of the development of means of communication has been visibly great. It would be difficult in Prussia, where so many national improvements have been advanced hand in hand, to separate this influence from the influence of other forces of progress. But what that influence has been, as a whole, in Prussia, can be estimated by considering the enormous benefit, which that almost isolated improvement has, in spite of the retention of many obstructions, conferred upon a country like Spain. Neither must the valuable results of land improvements be forgotten. Nor must the intelligent activity of the State, of the local authorities, and of the voluntary associations be omitted in accounting for the agricultural progress of Prussia. Nor, lastly, must the fact be forgotten, that the operation of the Stein-Hardenberg Legislation has been coincident with the evolution of agricultural prosperity from a state of devastation caused by war. The removal of feudal restrictions enabled the nation to take advantage of every beneficial influence, and the conversion of all kinds of tenures into absolute ownership enabled the nation to derive the greatest benefit from such influences, and thereby to increase most rapidly in solid strength. These two may be looked upon as the great preliminary causes of Prussia's rise, without which no such an advance would probably have been made. The Auxiliary Legislation and the remainder of the National Agriculture Legislation may be considered as most directly and materially assisting in her progress; whilst an intelligent collateral legislation, the rapid rise of her industry, and the universal increase of national prosperity, have combined to render that progress conspicuously remarkable.

Parallel of tenants and proprietors.

101. As to an agricultural comparison of tenants and proprietors, it is regrettable that no materials are at hand for instituting one. So far as I can learn, such tenants, agriculturally considered, fall into two main categories, which comprehend nearly the whole body of tenants. The first category consists of tenants of large estates, public or private, and the second category of tenants of quite small farms or plots of ground. Of the farmer the best tenants are the Crown tenants. Many of them belong to a class of tenant families. They have usually prospered enormously, and some of them have founded wealthy landowning families. This prosperity has not, however, been due entirely to their superior intelligence and knowledge. It is in all probability to be attributed in a large measure to the very low rents at which some Crown estates were leased. The introduction of public bidding has taken away this advantage from the Crown tenant. A notable instance of the increase of Crown rents will confirm the observation. The lease of such an estate recently fell in, and the rent which had formerly been about 2,000*l.* was run up to nearly 10,000*l.* The highest bidder was the farmer tenant! But, apart from this consideration of rent, the tenants of the first category are generally men of superior knowledge and great intelligence, who have frequently studied in an agricultural academy, and they employ the best mode of cultivation during, at any rate, the greater portion of their long lease of 18 to 24 years. A lease of 12 years is considered to be too short for a good tenant; for 3, if not more years, are lost in, and even 10 years are sometimes required for, bringing the land into good cultivation, and then during the last three or more years it is to the interest of the tenant to obtain as much as possible out of the land, and to put as little as possible into the land. No comparison can therefore be instituted

Leaye of twelve years too short.

between proprietors and tenants of twelve years, for the former have evidently the advantage, and in a series of years their cultivation will be better both for the land and for themselves, than the cultivation of the latter. This is said to be an observed fact in Prussia. Permanent tenants, except the above-mentioned Crown tenants, are rare. Usually the tenants even of this first category are tenants only until their savings are sufficient to buy a farm. Their interest in the land is therefore less than that of the above-mentioned Crown tenants. As regards the tenants of the second category, it is only necessary to notice those who subsist solely by their agriculture. These have too frequently shorter leases than twelve years. The opinion is decided that they are inferior to proprietors in their agriculture. Finally, it must be recorded that a considerable number of the tenants of this category are proprietors as well as tenants, and are obliged, in order to keep their holdings, to become tenants, because no land is to be purchased.

Land and capital disproportionate.

102. As to the evil of holding too much land, that is an agricultural defect in Prussia, as it is in England. If it be true that two-thirds of the tenant-farmers in England hold too much land for their capital, that is a serious set-off against the alleged advantages of tenant farming over proprietary farming. In Prussia this defect is to be observed in respect of the large owners in many districts, and in respect of the middle owners in East and West Prussia. Elsewhere it is not so frequent, and its reaching a proportion of two to three on an average of the kingdom may be doubted. Amongst the small owners it is also unfrequent. On the other hand, it must be acknowledged that there is a great tendency to purchase land out of proportion to the circulating capital, and to retain land in excess of circulating capital. The personal observations in the fifth part of this Report will probably offer more exact information on this point. It is, however, much to be regretted that time has not permitted of carrying out the intention of inquiring into the capital of land. It must, however, be now noted that, in any comparison of the agricultural progress of peasant proprietors with that of the larger or formerly manorial proprietors, into which of course the question of circulating capital enters, the important fact must be borne in mind, that during the last half century the peasants have paid large amounts for commutation, and the lords or their representatives have received them.

Peasants have paid and lords received commutation.

Distribution of land.

103. As regards the distribution of agricultural land, it has been seen from the preceding paragraph 15, that of alienable lands the peasant team-requiring farms and the small holdings, possess about a half. This applies to Prussia less the Rhine province. If the peasant proprietorship of the latter had been added, it would probably have turned the scale in favour of these two classes. If too the larger properties of yeomen had been taken out of the calculation of large properties in contradistinction to peasant team-requiring farms, the independent peasant proprietors would probably have been found to preponderate in acreage within the kingdom, bs they already do in numbers and importance taken together. The contrast between the 1,000,000 agricultural proprietors of Prussia and the 30,000 farming proprietors and 250,000 tenant farmers of Great Britain is startling. Such uncontradicted assertions as that one-half the land in England is in the hands of under 200 individuals, and in Scotland of a dozen individuals, are incredible to Prussian ears, and betoken, to Prussian authors and others an unsound agricultural organization. It is not, however, desirable to occupy space in this Report with quotations from the many treatises in which the institution of an independent yeomanry is shown to be practically wise and economically advantageous. But it may be affirmed that public opinion is in Prussia entirely in favour of her present agricultural organization, and that in no rank of society, or office, or learning, or politics is there any visible minority in favour of the totally different organization which dominates in Mecklenburg, and resembles in some respects that of England and Ireland. The opinions of treatises of political economy and statecraft may be summed up in the words of Roscher in his "Nationalökonomik des Ackerbaus":—

"A mingling of large, middle, and small properties in which the middle predominate, is the most wholesome of national and economical organizations. That much," he says, "can undoubtedly be taken for granted." Prussia also takes it for granted, and rejoices in the knowledge that she possesses without any alarming tendency towards an unwholesome alteration that wholesome mingling of properties. In some countries the divergence of the nation from the philosopher is more or less widely marked in respect of this important matter. In Prussia the nation and the philosopher are one, and such an unanimity transforms the more usually applicable apophthegm into

"*Homines* MULTI, UNA *sententia.*"

Part IV.—Miscellaneous.

1. This Part will contain, in the first place, brief answers to the questions asked in the list which accompanies Lord Clarendon's "Circular" No. 263 of August last; and, in the next place, one or two topics to which that "Circular" refers, but which have not found a place in the preceding Parts.

(A.)—*Brief Answers to Questions.*

Land Occupation.

2. Tenants are the exception, large and small proprietors prevail. The tenants are to the proprietors as 1 to 20, and the farming tenants to the farming proprietors as 1 to 40 only.

Vide paragraphs 200 and 201 of Part II in particular, and the subdivision *(d.)* of division (C.) of Part II in general.

Vide also paragraphs 78 and 79 of Part III.

(A.)—Small Proprietors.

Answer to question 1.

3. The quantity of land held by each varies much. In respect of the smallest proprietors, *i.e.*, those whose holdings do not exceed 6 acres, of whom there are probably about 750,000 (one-half being in Rhineland alone), the average for the Kingdom is probably less than 3 acres. In Rhineland the average would probably be less than 1 acre. A property of from 7 to 30 or more acres, according to Province, climate, soil, and local position, suffices to support a small proprietor and his family. Of these there are probably another 750,000 in the Kingdom. These round numbers are inferred from the dates this Report.

The land was generally held in separate portions by these and all other proprietors, excepting where the enforced primogeniture applied to peasants also. But, with the exception of Rhineland, this separation of portions of the holding has been to a great extent replaced by compact tracts of land. This has been effected by the compulsion to consolidation in connection with the extinction of rights of common. The remaining intersected land will be consolidated in all probability by a similar compulsion, without reference to rights of common. But no such an advantageous consolidation has as yet been carried out in Rhineland, where there has been much opposition to it.

Vide paragraphs 69, 75, and 169 of Part II, and paragraphs 3, 4, and 20 of Part III.

To question 2.

4. Everyone can make a will and dispose as he likes of his property, except of the quantity required to satisfy the claims of the "natural heirs" ("Notherben"), and of the property entailed or settled, either in *fidei commissa* or in accordance with the laws of feudal or similar descent. In cases of intestacy the law divides all property, including land, in certain proportions, amongst widow and children, or equally amongst the children if there be no widow. But the laws of intestacy seem to have little application, for the custom of making a will is almost universal.

Vide paragraphs 103, 104, 112, 115, 119, 120 to 123, 125, 128, 193, 195, 197, and 198.

Mr. Hertslet writes:—"When a man dies (intestate?) all his property, including land, is divided equally amongst his children."

To question 3.

5. The proof of title has hitherto been a recital of all the entries respecting the property in the Land and Mortgage Registers—in many cases a costly document,—which did not after all render the title indefeasible. As soon as the Bills now before the Chambers become law, the entry in the Land Register will give an indefeasible title. The cost will be, as regards the registration, from $\frac{1}{10}$ to $1\frac{1}{3}$ per cent., according to value, and is as regards to stamp 1 per cent.

Vide paragraphs 145, 146, and 149 to 151 of Part II.

To question 4.

6. There are no such special facilities afforded either by Government or the Provincial Governments, and it cannot be said that special facilities are afforded by special public companies or banks (of which there are none aided by Government), except so far as the Mortgage Debenture Associations and the Mortgage Banks are specially established for the purpose of granting loans on properties of whatever size. The raising of such loans is subject to all the usual commercial incidents. The Rent-charge Banks, instituted for facilitating the carrying out of the Stein-Hardenberg Legislation, are of course an

exception. Loans are raised seldom for circulating capital, and, amongst middle and sm a proprietors, mostly for paying portions to the children without dividing the land. The quite small proprietor cannot thus raise money, and is compelled to subdivide the land itself for the inheritances of his children.

Vide paragraphs 115 and 209 of Part II, and paragraphs 64 and 91 of Part III.

7. The land debt of the Monarchy is estimated at more than one-half of the land value. Of this debt only 22,500,000*l.* are owing to associations of a more or less public nature, and the remainder, of from 335,000,000*l.* to 353,000,000*l.*, is owing to private lenders. Respecting the amount lent by the associations there are few statistics, and they do not suffice to answer the question. But, so far as partial statistics go, the peasant properties do not seem to be as heavily mortgaged as the privileged properties ("Rittergüter"). To question 5.

By other accounts there is no difference in this respect between the two classes of property, and the land debt is two-thirds of the land value. The rate of interest varies from 4 to 6½ per cent. on small and less favourably situated properties. The quite small proprietors cannot dispose of mortgages.

Vide paragraphs 208, 209, and 214 of Part II, and paragraph 91 of Part III.

8. This is answered in paragraph 5, for soon the entry in the Register will alone create a mortgage. To question 6.

9. They still retain in several parts the three-field system of winter corn, summer corn, and fallow, either naked or occupied with green crops. But in most parts they have modified this system into a four or five course, and in many places their rotation is on advanced principles. It must be recollected that, as long as they were subjected to the common practice of fallow and stubble grazing, they were hindered from improving their system of farming. Wherever they practise the so-called garden cultivation, which is usually spade husbandry, they manifest an advanced mode of cultivation. Stock are usually stall-fed and seldom pastured. The pastures disappear after extinction of commons and consolidation of the holdings, for tillage is then more profitable. To the total area of the Kingdom the proportions of tillage and grass land are 51 to 4 and 16 to 9 respectively. In many Provincial districts, however, the proportion of tillage to grass land is much more than 3 to 1, and may be even 8 to 1. The quite small proprietor has seldom any pasturage, and the middle and small proprietors seem to prefer stall-feeding to pasturage whenever it is practicable. To question 7.

Vide subdivisions (*c*), (*d*), and (*f*) of division (C.) of Part III.

10. Agricultural machines, with the chief exception of threshing- and drill-machines, are little used. The quite small proprietors cannot, of course, afford to substitute machines for their own manual labour. The small proprietors of 10 acres (and more, according to Province, climate, soil, and local position), who can afford to keep a general farm servant, cannot afford such machines. But even these are beginning to associate for the purchase or use of machines. The middle proprietors in the more advanced parts usually employ drill-machines, but as yet have few steam-machines for threshing. They have, however, a considerable number of whim-machines for threshing. To question 8.

With regard to the proportion of labourers to proprietors, there is an important difference between the various Provinces. In Pomerania the ratio is more than 3 to 1, in Prussia more than 5 to 2, in Posen and Brandenburg about 5 to 2, in Saxony rather less than 5 to 2, in Silesia and Westphalia 2 to 1, and in Rhineland the number of proprietors and of labourers engaged in agriculture are about equal.

The employment of hired labourers can only occur in the case of the middle proprietors (*i. e.*, holding from 20 to 400 acres). Pabst, the great German authority for such matters, reckons one labourer per 8 acres as necessary for a medium farm cultivated on ordinary principles. In Prussia, however, there is one labourer per 7 acres on the better managed farms. If the farming is high, the number of labourers is of course increased. The average number to the acre may, however, be taken to be 0·143 within the Kingdom. Female labour is everywhere the custom, and forms two-fifths of the labour employed. The wages vary considerably throughout the Kingdom, and are given with some details in subdivision (*f*) of division (D) of Part III.

Vide that subdivision, also paragraph 68, and subdivision (*c*) of division (C) of Part III.

11. An inconsiderable number only of the agricultural labourers emigrate out of the Kingdom and leave Europe for America or elsewhere. Wherever the proprietary peasantry are in large proportion there seems to be no such an emigration at all, not even a temporary emigration out of the district into another part of the Kingdom, unless manufacture had disturbed the agricultural equilibrium. To question 9.

12. As an almost universal rule, they, both small and middle and also the large To question 10.

proprietors, live in villages and towns. This custom, to which Tacitus refers, has its advantages and disadvantages. The chief exceptions are in Westphalia, where isolated farms exist. They always live on their property, for the house in the village or town belongs to the land. It is not unfrequent for a village to contain no house without its plan of the land belonging to it.

Vide paragraph 90 of Part III.

To question 11. 13. Relatively in these respects to other classes in Prussia, they are generally well housed, fed, and clad. There is, however, great variety, according to the Province. Absolutely considered, their houses could be improved, but their diet is good and their clothing is respectable. The quite small proprietor has another occupation than agriculture. The small proprietor engaged solely in agriculture has to work hard, but is in unstraitened circumstances, and is, as a class, placing himself by his thrift in a better position. The middle proprietors (of less than 200 acres) are usually doing very well. The owner of 50 acres and under is well to do. The owner of 20 acres is in comfortable circumstances. Their standard of living is decidedly economical, but relatively good.

Vide paragraphs 74, 76, 82, and 88 of Part III.

To question 12. 14. The acre is too small an unity to take. The square geographical mile which in the Tables represents 14,278 acres, is better for comparison, and is common to all countries.

In Rhineland there is of small and middle proprietors an average of 1,400 per square geographical mile, of which the small proprietors represent 1,200; or in other words, one to ten and twelve acres respectively. In the provincial district of Coblentz there is an average of slightly over two per acre, and the small proprietors represent the full two.

In Pomerania there is of small and middle proprietors an average of 160 only per square geographical mile, of which the small proprietors represent 107, or one to 90 acres and 135 acres respectively.

In the provincial district of Stralsund the numbers are slightly above these averages. The contrast is enormous. The proportions for each other Province rank themselves between these extremes.

As to relative increase of population the small and middle proprietors very rarely marry early. On the whole they seldom marry before 30 years of age, whereas the unlanded labourer marries on the average at 20 years. The family of a small or middle proprietor (under 100 acres) often consists of two children. In many (I believe in most, if not all) agricultural districts of small and middle proprietors the persons under 16 years and above 16 years are equal in number. The population is frequently stationary as soon as the land is owned by as many families as it will support. The fact of the facility for owning or hiring land, as the case may be, has usually a similar influence on the labourer. The proprietary labourer is usually as prudent as the small independent proprietor. The difference in these respects between the manufacturing labourers and the lower agricultural classes is everywhere most marked. Other details on this subject will be found in the 5th Part of this Report. I have no materials for comparing the increase of the small proprietary agricultural population with that of other countries.

To question 13. 15. The prevalent public opinion is decidedly in favonr of peasant proprietorship. It is also generally in favour of small proprietorship, of which the advantages are held to outweigh the disadvantages. The conversion of all feudal tenures and relations into absolute ownership and freedom is considered to have been the only possible solution of the problem at the beginning of this century, which could have enabled Prussia to increase so rapidly her national wealth and the welfare of her people. For this Prussia will ever be grateful to the many sharers in the Stein-Hardenberg legislation, who through many difficulties have in that manner solved the problem.

(B.)—Tenants and Sub-Tenants.

To question 1. 16. The quantity of land varies much. There are apparently very few middle tenants. Either they are holders of large farms or of small and very small farms. In the latter category usually fall the tenants of the lands of the communalty, which are frequently in rather small portions. There are no statistics to enable this question to be answered in figures. If any statistics be obtained in the districts visited, they will be set forth in the 5th Part of this Report.

Vide also paragraph 78 of Part III.

To question 2. 17. This is fully answered in subdivision *d* of Division B of Part II. Leases are the rule and are usually long. The landlord's consent is required to sub-letting. Tenants

and sub-tenants can only assign in virtue of contract with the owner. If there be no covenant to sublet, they cannot assign. Tenants at will, or from year to year, cannot of course assign.

Vide also paragraphs 132, 199 of Part II.

18. This is fully answered in subdivision *d* of B, Part II. The law continues the tenancy from year to year subject to this, that the tenant must be allowed to finish his rotation of crops. Hence the law usually protects him for three years if needs be, and the tendency is to protect him for as long as the period of rotation may extend. The smallest holdings are very rarely let for less than three years, so that parol agreements scarcely ever occur. To questions 3 and 4.

Vide paragraphs 132 and 133 of Part II.

19. There are no such laws, and there seem to be no such customs. But there is, however, in one, if not more districts, a system of letting by valuation, but with its details I am not at present acquainted.* To questions 5 and 6.

Vide paragraph 79 of Part III.

Rent.

20. Rarely by a proportionate share of the produce, occasionally by a fixed quantity of produce, often by a rent, part fixed in money and part fluctuating in money. To question 1.

Vide paragraphs 133 and 202 of Part II.

21. Rent is usually regulated by competition under the form of the customary value of the district, but the practice of public bidding seems to be wide-spread. It is due quarterly by law, and usually half-yearly by lease. No hanging gale exists. But it is usual, at any rate in respect of any but very small portions of land, to require a deposit equal to one or two years' rent, which is the exact reverse of a hanging gale. To question 2.

Vide paragraphs 133 of Part II and 79 of Part III.

22. The landlord can, unrestricted by law, raise the rent as he chooses, subject, of course, to the covenants of the leases which are universal. The law in Prussia has had no need to look into the exercise of a landlord's power in this respect, for the custom of agricultural leases has prevented any abuse of it. But, as the law protects the tenant, it would no doubt have protected him against any abuse of that nature. It has done so in the case of the feudal peasantry, who correspond to the descendants of the customary tenants now on Irish land, for it converted them into absolute owners, whereas British law has allowed the Irish customary tenants to be converted into tenants at will. To questions 3 and 4.

Eviction is accompanied by judicial incidents. It is practically a law suit, and is rather a difficult one.

Vide paragraphs 138 and 203 of Part II.

Evictions.

23. These questions are answered as fully as the text books of Prussian law answer them, but I may be able to include some further information in Vth Part of this Report. It is not a summary process, and the tenant can appeal. To question 1.

Vide paragraphs 138 and 203 of Part II. To question 2.

24. It is seldom resorted to, and chiefly for deterioration of the soil, for which purpose powers are sometimes reserved in a lease. Usually the tenant is free to farm as he may please. It will be recollected that the feudal peasantry of Prussia are now absolute owners, and not mere tenants from year to year, subject to summary eviction as in Ireland.

Improvements.

25. The buildings, and sometimes the stock of all kinds, are let with the land, as was the case in olden England. No tenant ever builds without a perfect understanding as to compensation with his landlord, and is seldom, if ever, obliged by the requirements of his farming to build. He is not forced either to make the necessary buildings or to be deprived of his living or to emigrate. The landlord cannot be forced to pay for improvements made without his sanction, unless of course, they were ordered by the State. To questions 1 to 4

Vide paragraphs 133 and 135 of Part II.

26. This is answered in the foregoing paragraph 6; for the remarks therein apply equally well to tenants except of course that they cannot raise money on mortgage. To question 5.

Miscellaneous.

27. The relations between landlord and tenant, being universally based upon long leases, cannot be said to be unfriendly, although, from its being to the interest of the tenant, the tenant may frequently try to obtain the largest returns at the least outlay from the land, and thus act to the dissatisfaction of the landlord. But the tenant has generally such opportunities of being an independent and land owning farmer, that no comparison in respect of enmity or friendliness can be instituted between the Prussian and the Irish tenant. Both in circumstances and feelings the two could be contrasted, not compared. To question 1.

28. As regards the smaller farmers there appears to be no essential difference in these respects between tenants and proprietors. The tenant, however, becomes usually a proprietor, as soon as he has saved enough money. The land of the small proprietors is said to be in a better general state throughout a series of years than that of the small farmers, with leases of six or even twelve years. A lease of three years is of course no protection to the land. To question 2.

* Since this was written I have learnt that this system has been replaced by the system of letting by public bidding.

To questions 3 and 4.

29. There are no means of answering these questions 3 and 4, from general statistics, for the tenants form merely an unimportant part of the national economy. If any local or special information should be obtained, it will be found in the 5th and concluding Part of this Report.

To question 5.

30. Public opinion is decidedly in favour of long leases and against short leases, and, *à fortiori*, against tenancies from year to year or at will. As regards a comparison between a tenant farmer and a gentleman farmer, or between a number of tenant farmers and a gentleman farmer cultivating the same land, the means are not at hand for instituting it. It is frequently said to be in favour of letting. The fact that there are more persons capable of taking small quantities of land, than there are capable of taking large quantities of land, accounts partially for the greater advantage to the owner in the latter case. The want of capital in the owner often accounts for it in both cases. Moreover the owner, when he lets his estate, omits to take into the calculation of the advantage to him the excess of his personal expenditure over that of the tenant farmer, or over the aggregate expenditure of the tenant farmers, and also his loss by experiments or unnecessarily expensive farming.

To questions 6 to 9.

31. The questions 6, 7, 8, and 9, are fully answered in the Report. Before *1807*, there was scarcely any free holding or rather absolute ownership in the Kingdom, either for noble, townsmen, or peasant. By the legislation inaugurated by Stein and Hardenberg, the noble's lands, the tradesmen's lands, the yoeman's lands, and the peasant's lands were converted into absolute ownership. Prussia, in ridding herself of the trammels of the feudal system, erected into a principle of State policy the creation of absolute holdings. Hence all tenures of the old system were gradually abolished. Apart from this legislation it cannot be said that Prussia has taken any special means to secure a large number of freeholders. Public opinion is in favour of the present system and attributes much of Prussia's prosperity to the grand fact of the enormous preponderance of proprietors of land over tenants of land.

Vide sub-division *a*, of division B, and also paragraphs 225 and 226 of Part II, and paragraphs 74, 92, 93, and 95 of Part III.

To question 10.

32. This is answered in the foregoing paragraph 6. There is no need to assist tenants by laws to become proprietors, for a half of the land in private hands in Prussia is held by a very numerous body of proprietors and is subject to the greatest freedom of exchange, and the largest proportion of that half is in estates of a size within the reach of the majority of farmers. The desire to acquire land is very strong. From this fact and the fact of more competition for moderately sized estates, the smaller estates have relatively a considerably higher value than the larger estates. It would seldom be profitable to a large landowner to annex such small estates.

To question 11.

33. The laws in force certainly tend to bring about the dispersion of land, by the prohibition of creating fiefs, by the encroachments on the perpetual nature of entails, by the influence of the obligatory inheritances and by promoting the greatest freedom of exchange. What the influence of that tendeney, which has apparently been small, has hitherto been, can be gathered from the γ section of C, *a*, and paragraphs, 207, 209, and 210 of Part II, and also from paragraph 75 of Part III.

To additional question.

34. There are no tenures resembling copyholds. The former tenures in Prussia resembled copyhold, inasmuch as the feudal tenant or semi-proprietor was irremovable at will by the lord of the manor; but, whereas copyholds are in England* usually so-called encroachments upon the rights of the lord of the manor, these tenures were in Prussia usually encroachments of the lord of the manor upon the right of the yeomanry and peasantry.

35. The preceding paragraph concludes the series of brief answers to the questions in the List, inclosed in the Earl of Clarendon's Circular No. 263 of the 26th of August last. It would seem that the only subjects, to which Lord Clarendon called attention in the above-mentioned Circular despatch and which have not been treated of in the course of this Report, are the subject of the management and appopriation of timber, and the subject of a comparison between tenants and proprietors in respect of "character, social conditions, and system of farming, and their respective influences upon the development of the agricultural resources and general welfare of the country." This latter subject can only be undertaken after I have accomplished my intended visits to a few characteristic districts; and even then it will be a meagre comparison, for it is not easy to find collected in any one district a preponderating number of tenants under large proprietors. The former subject will now be briefly treated.

* This seems to be the view indicated in the additional question to the List of Questions in the Earl of Clarendon's Circular despatch; but it is often held that the copyholders (customary tenants) reentered into the rights of former Anglo-Saxon peasant proprietors. If this be the right view, then the contrast in the text must be replaced by a parallel.

(B.)—*The Forests of Prussia.*

36. Germany, at any rate North Germany, was formerly covered with forests, and cultivation of the soil was a war upon the forests. The history of the occupation of the forests as property is interesting, but cannot be now related. But it is curious to learn that they were early appropriated as possessions in common in connection with the land communities. From this historical fact sprang the many rights of common affecting forests to the present day, when with other commons their extinction was decreed. From this fact there sprang the custom of cultivating the forests in common, which still obtains in some parts of the Kingdom. The wood and timber possessed value at a very early date. The legislation shows the attention, which was passed even in the Middle Ages, to the trade in wood and timber. Frederic the Great endeavoured to substitute a regular course of management for the system then in practice. But his decree, based upon a geomaterical system, did not satisfy the existing conditions of forest cultivation.

Forests early in common.

Succession of improved systems of management.

Silesia in this, as in some other legislative and agricultural matters, set an improved example of forest management. By it most of the objections to the former system were removed, and a more equable return was obtained. Then followed, towards the end of the last century, a system adopted in Pomerania and the Margraviates which allowed freer cultivation without abandoning a due control, and thus advanced beyond the Silesian system. At the same time many excellent forest regulations for the improvement and protection of forests came into force. Various decrees towards the end of the last century and beginning of this century embodied the principles and details of a good forest management. The body of Prussian law recognizes a regular course of cultivation, and the due economical protection of the forests. Neither did the State neglect to provide for the education of competent forest managers. A monopoly of wood and timber obstructed the advance, and the great wars of the beginning of this century hindered the development, of forest management.

37. From the Peace of Vienna the subject received great attention, and the treatment of forests was much improved. By the new legislation, as applicable to the six Eastern Provinces, there appears to be no direct control retained over private forests, but the forests of the communalties are subjected to a prohibition without the previous sanction of the State either to cut down wastefully the wood or to convert the forests into plough land or meadows. In the Western Provinces the predominating system of communal and associated forest management was little changed. But the French Legislation had introduced a strict superintendence and due intervention of the State in the cultivation of the forests of communalties and other corporations, and the utility of this system was so freely recognized that it has been substituted for the ancient system.

Present legislation.

Each corporation retains the administration of its forests, subject to the superintendence of the Provincial Government. They must cultivate according to a system approved by that Government, and must employ duly qualified forest managers, and must obtain previous sanction for any extraordinary cutting of timber and for sales, &c. This system of administration obtains also in the Province of Saxony. The communal law of 1856 provides that communalties can be ordered, after due hearing of their council and of the departmental council, and on the ground of an urgent need of the national cultivation, to bring uncultivated communal ground into cultivation by planting trees or laying down meadows. In 1858 the right of demanding that such a measure should be carried out, was granted to the various communalties under certain conditions of numbers and interest. At the same time a similar attention was paid to the instruction of technical managers of forests. Not least has been the influence of the extinction of servitudes of forest*—a too complicated and difficult subject to be treated of here. The collecting of windfallen wood is granted by tickets at certain rates, which at the discretion of the forest administration can be reduced for very poor persons. Grazing in its various forms is seldom let to the highest bidder, but a moderate rent to the inhabitants of the forest district. The grazing of cattle and sheep is rarely permitted, but the grazing of swine is as far as possible promoted, as it is considered advantageous in diminishing the number of insects in the forests. Whenever tracts of land more fitted for tillage or meadows than for trees occur in the forest, they are let for these purposes to the highest bidder. Of the total area of forests, nearly 4 per cent. is thus used.

Economy is shown in turning to pecuniary advantage berries, plants, &c., to be found in the forests.

* As to these, equivalents of housebote, ploughbote, hedgebote, firebote and many other forest commons and servitudes known to English Law can be found amongst them; but others unknown to English Law also exist. I recollect hearing in Austria of a common of vending in forests, various communalties having the right to cut down and sell for their own advantage a certain number of trees in the manorial forests.

Area of forests.

38. The area of forests is as follows:—

	Acres.	Of Total Area of Forest.
State	4,779,460	27
Communalties	2,364,268	13
Institutions	147,948	1
Private, &c.	10,575,012	59
Total	17.866,688	100

Productive and net Returns.

The classification of the forests for the land-tax was difficult, and is interesting, but cannot be given in this brief review of the subject of forests. Neither is it possible to enter into the details of the production; but the following Table will give the main points of production and net returns:—

Provincial Districts.	Total Area of Forest.	Total Production.		Land Tax. Net Return per Morgen of Forest.	To average Net Return of Tillage.	Population per Square Geographical Mile of Area of State.	Per Head of Population.		
		Per Morgen.	Total.				Of Area of Forest.	Of Net Return of Forest.	Approximate Annual production of Wood.
	Morgen.	Cubic ft.	Cubic feet.	Sgr.	Per cent.	No.	Morgen.	Sgr.	Cubic ft.
Prussia—									
Königsberg	1,651,147	14	23,116,058	5·9	23·6	2,697	1·60	9·3	22·3
Gumbinnen	1,065,976	15	15,989,640	5·5	26·2	2,524	1·47	8·1	21·9
Dantsic	598,983	12	7,187,796	4·7	13·8	3,483	1·19	5·5	14·3
Marienwerder	1,587,969	11	17,467,659	4·7	18·8	2,359	2·12	9·9	23·3
Pomerania—									
Köslin	1,219,814	12	14,637,768	4·5	21·4	2,132	2·24	9·7	26·9
Stettin	890,852	18	16,035,336	12·2	33·0	3,099	1·31	16·1	23·7
Stralsund	223,463	30	6,703,890	20·3	32·9	2,951	1·03	20·9	31·0
Posen—									
Bromberg	994,799	12	11,937,588	5·9	21·1	2,626	1·82	10·8	21·9
Posen	1,454,333	14	20,360,662	7·2	27·7	3,979	1·49	10·6	20·8
Brandenburg—									
Frankfort	2,678,587	16	42,857,392	9·0	25·0	2,879	2·67	24·0	42·7
Potsdam	2,363,272	14	33,085,808	10·4	28·9	4,258	1·46	15·2	20·5
Silesia—									
Oppeln..	1,601,318	20	32,026,360	10·2	24·9	4,974	1·34	11·2	27·0
Breslau	1,118,849	25	27,971,225	14·4	25·3	5,501	0·83	11·9	20·8
Liegnitz	1,950,284	18	35,105,112	9·8	20·9	3,939	2·00	19·5	36·1
Saxony—									
Magdeburg	903,167	25	22,579,175	15·6	20·8	3,895	1·11	17·2	27·8
Merseburg	743,921	17	12,646,657	19·9	20·1	4,631	0·87	17·1	14·7
Erfurt	328,202	29	9,517,858	23·0	34·3	5,814	0·88	20·2	25·6
Westphalia—									
Minden	420,230	25	10,505,750	19·6	32·1	5,067	0·87	17·0	21·7
Münster.	520,277	20	10,405,540	19·0	31·5	3,363	1·18	22·3	23·5
Arnsberg	1,261,877	20	25,237,540	13·4	20·3	5,304	1.70	22·7	34·1
Rhineland—									
Düsseldorf	393,149	16	6,290,334	21·4	21·8	11,912	0·33	7·1	5·3
Cologne	474,652	14	6,645,128	15·9	15·9	8,103	0·81	12·9	11·2
Aix-la-Chapelle	420,620	18	7,571,160	16·1	16·4	6,258	0·89	15 3	16·0
Coblentz	972,779	22	21,555,138	18·8	33·0	4,960	1·81	33·9	39·8
Trèves	954,509	20	19,090,180	19·9	48·5	4,327	1·69	14·3	33·0
Kingdom	26,800,029	17	456,626,804	11·0	25	3.852,	1·40	15·3	23·8

The State forests yielded a real net return two and-a-half times the land-tax assessment. If this proportion be taken for all forests, the true net return is 24,250,913 dollars, or 3,642,640*l.*

Dr. Meitzen, from whose work the foregoing particulars have been extracted, has based them upon the complete work of Herr von Hagen, respecting "The Forests of Prussia."

39. The foregoing observations will probably suffice to give the information required by the reference in Lord Clarendon's Circular despatch to the "Management of the Woods and Forests." But it is not clear to me in what directions it was desired that information should be gathered. It is, however, clear that it is impossible to enter into the principles and details of forest cultivation, and of forest protection, without adding considerably to the bulk of this Report. But one general observation may be permitted. So far as I can gather from the numerous evidences of the activity of the State, and the governing authorities, there has been, and is, a minute and intelligent care exercised both in regard to forest cultivation and forest protection. It will also be recollected, that there has been a beginning in the direction of replanting forests for the beneficial protection of

districts, as witness the Forest Law of Wittgenstein, referred to in paragraph 92, and the notice of the replanting of forests in the Eifel, in paragraph 186 of Part II.

Results of Prussian experience.

40. If it be desired to ascertain what are the results of the experience of Prussia in the management of her woods and forests, or what are the principles on which that management is based, then time and space only permit of my offering, in addition to the remarks already made, the few following observations :—

Krug,* who wrote at the beginning of the century with great ability and much clearness and in simple German upon economical subjects, recognized on the one hand the unavoidable defects of State administration of landed estates; and on the other hand, the fact that the administration of its forests by a State was more advantageous than letting them. This lies in the nature of forests with their very slow returns. By, however, exercising a strict control, and by interesting the forest officials in the amount of profit, the inherent defects of the State administration can be, and are, as much as possible, diminished. A portion of the State forests has been sold, and it is evidently to the interest of the State to sell whatever portions involve disproportionate expenses. The practice of cultivating the remainder on account of the State, shows that nothing has occurred to reverse the opinion held by Krug, and based upon the previous experience of Prussia. Public opinion seems rather inclined to extend the intervention of the State, for, as a rule, corporate and private woods and forests are not so well managed as those of the State, to at any rate all corporate forests, and to desire that the State should have a strict superintendence or even management of them, accounting to each owning body for its share in the proceeds. The reasons for a careful management, and an intelligent preservation of forests, are not only the necessities of the nation in respect of firewood and timber, but the important connection with the welfare of the nation which forests undoubtedly have, by their usefulness "in maintaining the equilibrium of warmth and moisture, in feeding gently with water the brooks and streams, in affording them protection against the glowing sun, in breaking the force of storms, and the arresting the prejudicial driving of snow and sand." But this intervention of the State must not of course take the harmful form of the last century, which the National Agriculture Edict abolished; it must be restricted to compelling in one manner or another the most intelligent cultivation, and to preventing wasteful destruction. The best method of doing this is by no means easy to discern. But of its necessity there can be no doubt. Moreover, a district once denuded of forest, is often deteriorated for ever. There are parts of the province of Saxony where it is impossible for private persons to restore the woods, and where the district must continue to suffer, until a method shall be found of benefiting the district at the common expense against the obstructiveness of some individuals.

As to the protection of the forests by law, the various police regulations constitute a body of very numerous and even minute provisions for their preservation against abuses of all kinds. They cannot of course be epitomized, neither can they be now enumerated. There is also a special law for the punishment of stealing wood or any other products of forests.

(C.)—*The Agricultural Loan Unions.*

41. These, which in agriculture correspond to the Schultze-Delitsch unions in industry, deserve a special notice. By means of associations of all kinds it is considered that all the disadvantages of small properties can be and are removed. It is the case of the bundle of sticks once again; each is separately weak, but all are together powerful. Such associations exist mostly in the Rhine Province. They provide agricultural implements, cattle, breeding cattle, machinery, &c. Of the general kinds of associations, however, no further notice need now be taken. But of the so-called Loan Unions ("Darlehenskassenvereine") it is desirable and will be interesting to give a short account, together with the opinions which are held concerning the principles involved in them.

Raiffeisen Loan Unions.

These Loan Unions have sprung from the benevolent efforts of a practical man to provide the small proprietor, without capital and credit, with the means of purchasing cattle and of obtaining other stock which he may require, and also to enable the labourer to purchase his house and buy a plot of land. Herr Raiffeisen, who has devoted his time to this object, established the first Union in Flammersfeld for the purpose of meeting a temporary need. The number increased to five in the neighbourhood, and within the last two years the unions have rapidly spread. Some original imperfections have been removed from the system, which is now known as the Raiffeisen system, but there are still adverse critics of parts of the scheme. The unions differ in some essential points from the Schultze-Delitsch unions.

* Krug belongs to the more advanced thinkers of the transitional school. He scarcely acknowledged all the principles of the modern school, then in its infancy.

Usury.

42. Herr Raiffeisen, who has laboured in the Neuweid district, is impelled by a kind-hearted desire to liberate the peasant proprietors from the curse of usury, which, with Frankfort as its centre, has been unscrupulously carried on by Jews in many a district radiating therefrom. With this view he lends money at the lowest possible interest; but it may be doubted that his unions, excepting by occupying ground, effect much in this direction; for the peasant who can be duped by the usurer will close with the usurer's first offer of 3 per cent. rather than pay 7 or 8 per cent. to the unions, and the peasant who knows the wiles of the usurer will reject all overtures from him. It is, however, painful to read what a terrible leech the usurer can be. This is an instance from Herr Raiffeisen's account of his unions. A owed B 45 dollars, the remaining instalment for the purchase of a horse. B required cash before A could pay, and therefore sold his claim to one of the well-known traffickers. This latter then compelled A to buy for 41 dollars a cow worth scarcely 20 in order to gain time. This cow had to be slaughtered, and in half a year A was compelled to buy from him another cow at 46 dollars, feed it for nine months, and sell it him fattened for 25 dollars. After five years of this usurious dealing A owed about 250 dollars. He must now sell his horse, but, failing this, he pawned it to another trafficker for 80 dollars. This one sold the claim to another, who carried out the policy of trafficker No. 1. In the end the unfortunate A was of course entirely ruined. Thus in five years a debt of 45 dollars became, by this mode of dealing, 250 dollars, and eventually brought about the ruin of the debtor and his family. It is especially in cattle that the usurer does his chief business. In some villages nearly all the cattle belongs to the Jews.

Object of such Unions.

43. If the differences, as well as the resemblance, between the small landowning cultivator and the artizan be considered, the necessity for the deviation of Agricultural Loan Unions from the Schultze-Delitsch Unions will be at once recognized. In both cases the question is how best to assist the labouring classes, who live chiefly by physical labour, to obtain the necessary credit for advancing in their operations. It has become evident that this can best be accomplished by ceasing to consider men as isolated individuals, and by associating them on the principle that the interest of one is the interest of all. Hence the Dagon of self-interest may soon be unexpectedly found to be dashed to pieces on the floor of his gorgeous temple. Fellow-feeling ("Gemeinsinn") is the ark of the covenant. But such a principle must, as in the Loan Unions under notice, be combined with the vigorous maintenance of that other powerful principle; viz., that each labourer is entitled to the fruits of his own diligence and industry. Hence the German upholders of such Unions reprobate as harmful the attempts of some English Trades Unions to bring to a level the earnings of all members of the same class by limiting the gain and consequently the industry of the more capable and diligent workman. Such a mistaken procedure retards the progress of true fellow-feeling. To state, however, that fellow-feeling and not self-interest should be the corner stone of a national economy is only stating, in other words, that, as Friedrich List has well put it, more attention should be given to the producing forces than to the resulting produce. The reverse has too often been the case. Ireland is unfortunately no exception, inasmuch as the economical principle of maximum produce has not seldom been pushed to an extreme limit—even to the exclusion of maximum producing forces whenever both have not been equally ignored. It has been forgotten that sound political economy recognizes (to descend to a specific instance) not only the benefit of maximum crops, but also the advantage of numerous cultivators. Without, however, being tempted into an inquiry (according to the light of many German authors) respecting the serious defect of the national economical organization of the age, it is interesting to notice that these Unions, in recognizing the principle of fellow-feeling, acknowledge also the advantage of numerous cultivators, and seek by removing the disadvantages of the smaller proprietary cultivators to enable them to hold their own against all adverse influences. They also seek to remove another evil which afflicts society, that of large portions of the population condemned to daily labour throughout their whole life without the possibility of possessing property and of thus being rendered better citizens. This evil is, of course, not fully recognized, so long as the labourer is considered as one piece of the machinery by which a given product is obtained for the general wealth. But, as soon as he is considered as a man, it becomes of importance to implant in him a manly independence, and this can probably be best effected by giving to him the possibility, and holding out to him the hope, of being an owner of more than the muscles which God gave him, and the air which men scarcely allow him. But the wage labourer suffers not alone from the defective economical organization; the whole social fabric also suffers and is endangered. In the industrial organization of Prussia the intervention of a proprietary class between the large manufacturer and the wage-receiving class is much needed, but not more so than in other countries. Happily for Prussia the intervention of such a class between the large landowners and the wage labourers is a fact in her agricultural organization. If the main object of State

Policy should be to increase the proprietary class and to diminish the non-proprietary class, then any sound voluntary association which assists the operation of State policy must be of great importance to the State. In this respect Agricultural Loan Unions are an object of interest and the Raiffeisen Unions are of importance, for they have for their aim to support and increase the less monied portion of the proprietary class.

Self-help.

44. The Schultze-Delitsch Unions are, as is well known, founded upon the principle of self-help. That self-help is, however, planted not only by the labourer himself but by aid of important assistance from beyond his sphere, as witness the praiseworthy devotion of Schultze-Delitsch himself. Associations resting upon self-help have frequently arisen with the help of the directly unbenefited and more monied classes. This is no reproach, but a cause for congratulation. Yet the complaint that the Raiffeism associations have relied upon outside capital comes with an ill grace from upholders of the useful industrial unions. Indeed, the doctrine of love for one's neighbour must act in harmony with the principle of self-help. There is no valid reason for shutting out the capitalist from co-operating if he will. Has he not his duties towards humanity?

Necessary differences between Industrial and Agricultural Loan Unions.

The task of Agricultural Loan, Unions is, as has been already remarked, different from the task of Industrial Loan Unions. The most important part of the task of the latter is to interpose a sound middle class between the large manufacturer and the mere wage labourer. This forms no part at present of the task of Agricultural Unions in Prussia. Neither is it necessary for them to be schools of economy to precede Producing Associations as in the case of Industrial Unions. The agriculturists to be helped are mostly owners and producers on their own account. The Agricultural Unions must also be more restrictedly local than the industrial unions; but this does not hinder them from obtaining by a central body the benefits of centralization. Moreover, the stability of Unions founded upon an agricultural basis must be less fleeting than that of Unions founded upon an industrial basis. Last but not least is the fact that the member of the Agricultural Union has a natural savings' bank in his land and that, if the Union assists a member to acquire a plot of ground, it likewise provides him with the best form of savings' bank.

General principles of Raiffeisen Loan Unions.

45. The Raiffeisen institutions are associations for obtaining capital from those who have and lending capital to those who have not. They are associated banks, but they do not bank for the profit of this or that person. The whole benefit is received by all the members. No banking profit is levied, and hence the more monied members do not gain in a different proportion to the less monied members, as is the case in most unions where the former invest by contributions in the association. It is better that the profit should remain in the pockets of the peasant members; consequently the aim of the institution is only to charge as much interest as will pay the interest of the borrowed capital, and repay the actual costs of management. The guarantee of such unions is by the joint liability of all members to the amount of all their property, for it is evident that mortgages upon their small properties would not always offer a sufficient guarantee. As in the Schultze-Delitsch Union, the members only can receive advances of money. This is a principle which must ever be firmly maintained, otherwise the unions would lose all appearance of self-help and become merely benevolent institutions. But, contrary to the Schultze-Delitsch principle, unsalaried work is accepted in the Raiffeisen unions. It must, however, be recollected that the latter are restricted by local, and seldom if ever occupy by their accounts much of the time of their officials. Hence there seems to be no reason for refusing to allow persons of the district with leisure from performing as honorary labour the necessary work of the unions. Why should the man of leisure be prevented from thus manifesting a little love for his neighbour? Local men who have the confidence of their neighbours are fitted for managing such unions. With the exception that the above difference necessarily makes, there appear to be no important deviations in administrative organization from that of the Schultze-Delitsch Unions. The Raiffeisen form of accounts seems to be simple.

Important difference between Schultze-Delitsch and Raiffeisen systems.

An important difference between the Schultze-Delitsch and the Raiffeisen Unions must be noticed. In the former there is the excellent arrangement by which the member, who receives the benefits of the institution, becomes a partner in the banking business of the institution, and is raised thereby in the economical scale. In fact his interest in the institution is increased by the retention of part of his profit to form the reserve capital, and his saving is stimulated by his partnership. In this manner the advantages of a sense of property are provided for the artizan.

In the agricultural loan unions—at least in the more recent forms of them—this arrangement does not exist. Neither does the prime necessity for it exist, for the members are usually already proprietors. Hence the members do not become partners in a business, and their profits are not partially retained as savings in the institution. Indeed even the

contributions of members are not insisted upon, although the entrance fee is usually and at any rate should be retained. It is true that the most needy and deserving of help may be unable to pay an entrance fee. But the danger of an improper use of the facilities of the union by persons admitted without any fee or contribution, is a greater evil than the possible exclusion of a few of the most needy. Moreover, a compromise might be effected by subjecting the entirely destitute applicant to two conditions of acceptance; viz., the sanction of the association and the obligation to pay by instalments during the first year an equivalent entrance fee (or fee and contribution) to other members, as soon as he shall make use of the facilities of the association. Such payments would of course be carried like the present payments to the credit of the reserve capital or fund. This reserve fund is accumulated at compound interest until a certain fixed sum is obtained, when (and not until then) its income is at the disposal of the association for benevolent purposes, and in case of a dissolution of the association the capital is at the disposal of the association for the general benefit of the community. In the Raiffeisen institutions great weight is laid upon this indivisible reserve fund. It consists naturally in only a small degree of profit, for as has been already noticed, it is not the intention of the unions to make a profit for themselves. Whatever little profit is made would be of *little* use *divided* amongst the members in groschens, whereas, retained in its bulk and accumulated, it may in course of time become a considerable fund, which can be used for the greater benefit of the community. It is, however, a benefit not for this generation, but for the next, and will be of great use to the then poorer members or neighbours. There is also an interesting idea in connection with the future use of such reserve funds, viz., that of establishing producing associations in districts where the agricultural population has also an auxiliary occupation in some small industry. In this case such associations would arise from capital solely and slowly accumulated by pure self help. Such an example of patient perseverance would be a rejoicing right. This result and this practical proof of fellow-feeling is more possible amongst the steady going small peasants than amongst the variable artizans. Moreover, the future members of the agricultural associations will probably be the immediate descendants of the present members, and by waiting the latter know they are benefiting their own. This is not the case in regard to members of industrial associations, who have seldom a settled home for generations.

The preservation of the Raiffeisen principle of the indivisibility of the Reserve Fund* depends, of course, upon the will of the association. It is an impossibility to insure its preservation: but its rejection at any time is rendered as difficult as possible.

mercial risks of ffeisen Unions.

46. Looked at from a commercial point of view, the Raiffeisen institutions run great risks. They lend on long terms, and borrow on short terms. They also operate almost entirely with borrowed capital, instead of with a nucleus of capital of their own. Pure banking may be conceived, and may be seen in Prussian savings' banks, as operating entirely with deposited capital, yet in ordinary practice there must be the guarantee of an unborrowed capital. It may, however, be held that, as in the guarantee of savings' banks, these unions by the joint liability of the whole property of each member—all for one and one for all—offer that unborrowed capital in such property as their guarantee, and that consequently they can commercially operate with borrowed capital. But the first commercial risk cannot be thus diminished, If they borrow on short terms, they ought mainly to lend on the same short terms, but they usually lend on far longer terms. It requires no imagination to foretell the result at a time of commercial difficulty if the greater portion of the capital lent to the unions were called in. On the other hand, however, the two institutions, with a fifteen or twenty years' experience, have prosperously survived the commercial difficulties of that period. It is also affirmed that there has hitherto been no difficulty in replacing capital which has been called in. But the institutions do not develop and spread as rapidly as might be wished. The reason of this lies probably in the difficulty of obtaining working capital. The admission of moneyless members without the obligation of a contribution is in this respect no advantage, but a disadvantage to the credit of the union. A project for obtaining the necessary funds by a central union was started; but was on deliberation abandoned. Another project was to obtain funds from mortmain; but this did not succeed. This difficulty of obtaining capital may, therefore, render their development slow. But if a crisis in the existing unions should cause their dissolution, the members will not be worse off than before, and most of them will have benefited much in the meanwhile. But the risk incurred by lending on long terms still remains and constitutes an imperfection which is not seen in the Schultze-Delitsch unions, for these are based on the soundest commercial principles, and only lend for short terms, even if they borrow on longer terms. The difference

* Vide paragraph 99 of Part V for further remarks on this Reserve Fund, and the Raiffeisen Unions generally.

between the needs of the artizan and of the small peasant proprietor is, however, such that unions for the latter cannot lend on short terms. The short credit of three months may suffice for the shoemaker, who quickly turns his money; but it does not suffice for the cultivator, who must wait months, perhaps years, to get a full return for his outlay. The agricultural loan unions must give long terms. even of five or ten years. It is, in fact, the difference between permanent and circulating capital. The cultivator mostly requires the former, the shoemaker mostly the latter. The small cultivator has no banks or institutions from which to obtain it, except in so far as the savings' banks may be willing to lend to him on his personal security and that of two sureties. Even these may not always give him the necessary assurance against the recall of the money at an inconvenient time. A greater assurance must exist when the money is borrowed, as from the unions under review, for a given term of years. The unions, however which lend at five or ten years have generally borrowed their capital at three months. It must, on the other hand, be noted that each union makes a careful valuation of the immovable property of its members, and never borrows beyond one-half of such valuation, and that, for the emergency of capital being suddenly called in, the right to call in all advances at four weeks' notice is reserved.

Agricultural Unions must give long credit.

It may be permitted to an observer of the Unions to notice that the plan of redeemable debentures appears not to have occurred to the speakers at the meeting which pronounced a central association impracticable for the present. The irredeemable debentures were rightly considered as impossible; the borrowing of capital at three months' notice was pronounced an evil. But the intermediate plan of debentures redeemable at one year, or at end of five years, or at end of ten years, and bearing a higher interest for the longer term does not seem to have been discussed. Yet such a plan with the necessary facilities for registration of the value of the property of the Local Unions, of transfer to order or to bearer, coupons, &c., would seem to be quite practicable. It is not impracticable that such debentures could be placed in suitable proportions of each category to prevent the Unions from being hampered in their long terms of lending. The debentures might either form a lien upon the specific property of a given Local Union or, better still, upon the aggregate property of all the associated Unions. The true principle of insurance would thus be maintained.

47. The 5,093 loans of the fifteen Unions which have arisen in the period 1850 to 1868, and of which only two date from before 1860, amount in the aggregate to nearly 40,000*l.* No losses occurred to the great majority of Unions, a small loss of 18*l.* to one, and no return has been made from another Union. As regards the latter, the Flammersdorf Union, which is the oldest, I am informed that no loss was incurred. Their reserve funds do not yet reach in the aggregate 2,000*l.* The interest charged, which includes, as I understand it, a sum of 5 per cent. for costs spread over the whole term, has varied from 6 per cent. to 7 per cent. for five years, from $5\frac{1}{2}$ per cent. to $6\frac{1}{3}$ per cent. for ten years, and from $7\frac{1}{2}$ per cent. to $8\frac{1}{3}$ per cent. for three months. The members number about 4,000. The loans made vary in amount from 15*s.* to 150*l.*; the average amount being about 8*l.* The costs of administration have been about 600*l.* for an aggregate of fifty-two years of administration; that is to say, in respect of each year, about 12*l.* for each 800*l.* of loans made, or $1\frac{1}{2}$ per cent. The loans can of course be repaid at any time in whole or in part before the end of the period fixed for re-payment. The loans were made to meet a temporary need as well as to supply permanent capital. The latter took the form of live stock and implements and also of acquiring land or a house.

Statistics of Raiffeisen Unions.

It is unnecessary to epitomize now the statutes of such a Loan Union; but the materials are at hand for giving a more minute description of this form of association, if it should later be considered desirable.

(D.)—*Remarks on various Subjects.*

48. There are several subjects which require notice before proceeding to the concluding part of this Report, but which do not now need a sufficiently extended treatment to warrant a separate division for each subject. It is purposed to refer briefly to them in this division.

The reader will not fail to have perceived how frequently the principle of association has presented itself in the course of the investigation recorded in this Report. It meets us at the outset, and only parts from us at the close. It flourished in the earliest periods of German history; it is growing lustily in the present age. But the ancient manifestation of it differs materially from the modern manifestation. Then it consisted in denying property to the individual. Now it consists in denying property to the community. Then it generally consisted in sharing in common the fruits of capacity and incapacity, of

Principle of association.

diligence and indolence. Now it consists in leaving to each individual the fruits of his capacity and diligence, and in sharing in common the risk of purchasing advantages for each individual of the community. Such are (to keep within the area of this Report) the associations for the erection and maintenance of dykes, for the regulation of rivers, for reclaiming land, for irrigation, for water meadows, for forest cultivation, for purchases of agricultural machines and implements, and of live stock, &c., for obtaining credit by union for each creditless individual, and for other similar purposes. In this way the evils of individual isolation can be remedied without having recourse to so-called socialism or communism. As a set-off to the evils of olden times from property in common, the modern age can enumerate the advantages of credit in common. In a word this principle of association displayed itself formerly in a community of uses, and displays itself recently in a community of wants. It would be interesting to follow the principle of association though its various phases in German history, but the inquiry would require an essay to itself.

The Savings' Banks.

49. The savings' banks have been referred to in the course of this Report. This institution is of very great value in Prussia as in other countries. It lends, as has been already noticed, money upon mortgage. But I am informed that it lends also on personal security with two sureties, and that in this manner it has conferred important benefits without incurring any losses. Although the principles of this Institution enter as little as other details connected with it into the domain of this investigation, it is not uninteresting to notice that the savings' banks of Prussia rest upon the principle of a community of wants. They are guaranteed by the department or the town, for the benefit of which they are founded. Their profits are consequently devoted to general objects connected with the department or town. In this way many buildings for the benefit of the community have been erected.

Influence of large landowners.

50. This Report would be incomplete without a reference to the influence of the large land owners. This has not been diminished by the Stein-Hardenberg legislation. On the contrary there is little dissent from the opinion that the relations of the large land owner with the population of his district have been thereby so improved that his influence is now greater than it formerly was. This is easy to understand, for his natural influence, as representing the intelligence of the district, has far more play, when the surrounding population have no interests in connection with him, antagonistic to his own. The powers for good of the large landowner should always be confirmed, and his exercise of a legitimate and natural influence should be encouraged. Accordingly, the far-seeing Prussian politian does not promote indiscriminate attacks upon the position of such landowners, which proceed from a lingering remembrance of the former antagonism of interests.

Game in Prussia.

51. Many will consider a report upon land incomplete without a reference to game. Although the scope of this report does not include the game laws, a few words on the history of the position of game in Prussia will not be without interest. In the earliest time no restriction of the chase was known. The freeman had the right to follow the chase throughout Germany. But with the development of land ownership arose, as a prohibition of trespass, the reservation of the right of chase to the owner of the land. The body of proprietors had the right in common to follow the chase in the undivided forests. Under the French Kings the rights of the chase assumed another form. The Nimrods of the day began to strictly preserve their forests, and soon all the State forests were subject to this exclusion. The small proprietor quickly found himself deprived of his original right of chase, chiefly by the necessity of the times to seek the protection of a baron by entering into feudal subjection. The next phase was general reservation of all rights of chase throughout the Kingdom to the ecclesiastical and secular grandees. These, in the subsequent granting of fiefs, retained the right of chase. In this manner the right of chase became a monopoly, or at any rate a preferential right, and the original German principle that the right of chase belonged to the owner of the land was set on one side.

The Prussian body of law recognized only the lower chase as belonging to the owners of privileged estates. All other persons in respect of the lower chase, and all persons in respect of the higher chase must duly qualify themselves under the Government monopoly for exercising the right. The higher chase consisted of deer, wild boars, bisons ("Auerochsen"), elands, pheasants, &c. Partridges, hares, snipes, wild geese, and ducks, &c., constituted middle and lower chases, or lower chase as the case might be. This system did not apply to the Rhine Province, and there were various exceptions in different provinces. The year 1848 re-established the old German principle, and abolished all monopolies and preference rights. Then each owner became free to exercise rights of chase in every respect over his property, and ceased to be under any compulsion whatsoever in regard to the chase. This freedom has been somewhat restricted by subsequent

egislation chiefly in this, that an owner must have 200 acres lying together in order to exercise the right of chase.

The following figures will indicate the capacity of the Kingdom of Prussia for sport, and will also indicate to how small an extent game interferes with agriculture. The average annual number obtained by the chase is—

Red deer	.. ..	4,288	
Roe deer	.. ..	14,204	
Partridges	.. ..	1,311,134	
Snipe ..	.. ..	13,132	
Rabbits..	.. ..	8,308	
Fallow deer	.. ..	2,546	
Hares ..	.. ..	1,097,316	
Pheasants	.. ..	2,373	
Ducks ..	.. ..	16,454	
Foxes ..	.. ..	11,524	

The last is a dreadful item, for poor reynard is ignominiously shot. The number of rabbits is small, and their damage to agriculture must be of no account. But the ravages of the marmot seem to make up for the absence of the losses inflicted upon crops by game. Two-thirds of the annual value of the chase are obtained from the hares, and one-sixth from the partridges.

It is calculated that the Prussian forests contain about 32,000 red deer, 13,000 fallow deer, *106,500* roe deer, *6,000* wild swine, 3,000 "Auer" oxen, 900 elks. Upwards of *90,000* licenses to exercise the right of the chase were issued in the year 1866-67.

Part V.—Local Enquiries.

1. Having epitomized the materials which are to be obtained, and represented the opinions, which are to be gathered from men and books in Berlin, I have now to record as briefly as possible the results of a few personal inquiries in the Provinces of Saxony, Westphalia, and Rhineland. Similar inquiries have been made by Mr. Consul White in his own consular district and in the Provinces of Silesia and Posen. The interesting record of these inquiries, which will add much to the value of the investigation of the Land Question in Prussia, will be found in Mr. Consul White's various reports. As to my own inquiries, I can only regret that circumstances prevented me from employing more than fifteen days in visiting the provinces above named. As the period of the visit was necessarily so short, it was desirable to select as far as possible typical districts in each province, and to confine my inquiries mainly to such districts. I accordingly adopted that plan, and I shall now attempt to arrange the order of those districts under certain headings in such a manner as shall best illustrate the main features of this report.

(A.)—*The results of Equal Division of Land.*

2. The equal division on inheritance of land is assuredly one of the most interesting subjects in connection with this great question. Another equally important point is to obtain some practical idea of the working of the formerly almost universal practice of the three field cultivation with field compulsion. For looking at these two points together, I selected the department of Wetzlar. All the other districts in this division of the report are districts in which the equal division of land obtains. The more special reason for the selection of each of these districts was as follows: the department of Siegen for forest and meadow associations; the departments of Bonn and Cologne for the presence of agricultural tenants; the department of Langensalza for consolidation of intersected lands, and lastly the department of Mülhausen for absence of consolidation and for unusual poverty. Each of these will be treated in a subdivision of this part, and the Provincial Districts of Coblentz and Magdeburg will be briefly referred to in another subdivision.

Special reasons for selection of districts.

(*a.*)—*The Department of Wetzlar.*

3. No better department could probably be chosen for seeing in the present day the united results of equal division on inheritance of land and of the old system of agriculture. Its simple relations and its ancient appearance carry one back three or four centuries in time. It is in all essential points unchanged. It has only been opened out by turnpike roads within the last thirty years, and traversed by a railroad within ten years. Frankfort was formerly a two days' journey. The town of Wetzlar is unmistakably old and even primitive; and one can easily understand, that a hundred years ago a Goethe, as a temporary resident, found it necessary to ward off suicide by writing a romance of love, incorporating the tragic fate of the unhappy Jerusalem.

Unchanged condition of Wetzlar.

The town of Wetzlar was originally a so-called Villa of the Frank Kings; then a free town; and after some political vicissitudes was with its territory given to Prussia by the Congress of Vienna. The department was separated by the Duchy of Nassau from the Rhine Province, but is still administered as part of the judicial district of Ehrenbreitstein. It is necessary to add, as bearing upon the observations to be now made, that the peasants

Never serfs.

were always freemen, and that the Frank custom of equal division of land has been in force from time immemorial.

(*a.*)—*Statistics.*

Population.

4. The area is nearly 10 square geographical miles. The population is stationary at about 43,000. The children under 14 years number rather over 7,000 males and rather under 7,000 females, of whom five-sixths live in the country. The population over 14 years numbers about 15,000 males and 14,500 females, of whom three-fourths live in the country. There is, however, no great line of demarcation between the urban and rural population; for even the town of Wetzlar itself is mainly agricultural. The births average 1,400 a year, and the illegitimate are 1 to 14. The balance of loss by emigration was nearly 100 in 1860-62. The marriages, mostly under 30 years, average 300 a year. The working and serving classes show the greatest inclination for early marriages. Concubinage seldom occurs. There were rather more divorces (366) in 1861 than corresponded to the average of the Kingdom. There are 4,330 owners entirely occupied, and 1,325 partially occupied in agriculture. There are only twenty-five tenants in all. About 20,000 souls constitute the families and dependents of the above. The labourers are reckoned at 2,275 with nearly 6,000 relatives and dependents. The agricultural population contains, therefore, more than 34,000 souls.

Kinds of land.

5. Of the 10 square geographical miles of territory the following is the distribution of kinds of land

Agricultural population.

	Acres.	Per cent.	Parcels.	Owners.	Acres per Head of Population.
Plough land	55,770	40·3	359,059	19,961	1·282
Garden land	1,740	1·3	26,330	8,307	0·173
Meadows and pasturage	13,248	9·6	126,635	17,692	0·301
Wood land	54,298	38·8	4,760	1,377	1·232
Roads and waters	4,172	3·0	209	121	0·096
Sites and yards	637	0·4	7,582	7,033	0·014
Waste and barren land	9,177	6·6	..	..	0·211
Total	139,042	100·0	..	..	3·309

Of the above average the State holds 3,836 acres, the Communalties 44,770 acres, and Church Corporations 8,048 acres.

Landed properties.

6. The distribution of property in lands is as follows:—

In 1858 there were	65	properties of over 400 acres.	
„ „	27	„	200 acres.
„ „	457	„	20 to 200 acres.
„ „	5,068	„	3½ to 20 acres.
„ „	15,060	„	3½ acres and under.
	20,677		

This in itself is a startling distribution of land, but if the fact that all properties above 35 acres belong to the great Salm family or to the State or to the Communalties be allowed for, the distribution is yet more astonishing. If these be duly deducted, there remain on the one hand over 20,000 properties under 20 acres and about 300 properties of 20 to 200 acres. Comparatively few possess 10 to 16 acres and are well to do. It is a rarity to find 20 to 27 acres in the same hand. The average size of a "parcel" varies from 1 to 4 chains in various parts of the department and is generally nearer the single chain.

Value of buildings and land.

7. The value of buildings and land in the Department is estimated at over 4,500,000*l.*, of which the buildings take 1,000,000*l.*, and the forests 750,000*l.* The mortgage debts are returned at about 120,000*l.*; but although in calculating the basis of taxation a deduction of such debts is made, the peasant proprietors are known to withhold the fact of such debts.

The following figures for 1851–60 will give an idea of the value of tillage and meadow:—

Land Tax.	Selling Value per Acre.			
	Tillage.		Meadows.	
	£	£	£	£
Class I	34	to 66	60	to 100
Class V	8	18	15	21

Rents on lease range from 30*s.* to 40*s.*; a few rise to 66*s.* Tithes are commuted. Rents.

8. The paupers number 740, being 1·70 in every 100 souls. There are 646 poor children in the schools. The cost to the Department is about 1,000*l.* There was in 1861 a total of 7,589 children in the schools, taught by 93 teachers and 91 pupil teachers. The average salary of a teacher is 45*l.* in towns, and 28*l.* in the country. Paupers. Schools.

9. Another striking fact in connection with the distribution of property is that only 68 persons paid income-tax (of which the lowest grade is an income of 150*l.*), and of these 42 belonged to the town of Wetzlar. The class tax of 1*s.* 6*d.* was paid by 9,688; and of 3*s.*, by 5,995 persons. The Communalties possess 48,390 acres, and their income exceeds their expenses. They have also paid off their debts. Tax payers.

10. As regards the position of the population before Justice, the people of Wetzlar are not unfavourable for comparison with others, except perhaps in wood-stealing. This offence gave 1 case (not offender) to every 7 persons; but jury offences gave only 1 in 43,514 persons. Crimes and misdemeanours.

(β.)—*Its Division and Subdivision of Land.*

11. In Wetzlar the division and subdivision of land seem to have been operating for the last eight centuries under various influences, of which the chief is the equal division of land on inheritance. Hence Wetzlar presents a picture of the result after several centuries of this custom. These are, certainly, striking enough. But for their due appreciation a knowledge of the original sizes of property when Wetzlar was first settled is required, but is necessarily wanting. The probability is that, as a rule, no peasant settler received more than was then considered necessary to support him and his family. Any imaginary idea that the existing subdivision replaces an original arrangement of very large estates must, however, be dismissed from the mind in reading the following remarks:— Ancient custom of division.

The statistics quoted in the preceding paragraph, No. 6, may be taken as showing the extreme result of the division of the land. It may be estimated from them that there are still 2,000 owners in a position to maintain their families by their land; that is to say 200 to the square geographical mile. The interesting point would be, if it were possible, to ascertain whether the proportion of independent owners was originally the same, or greater. On the one hand, it may be doubted that the peasant proprietor of to-day is in a much worse position than his ancestor of half-a-dozen centuries ago. On the other hand, districts might be found in the Rhine Province where the division of land is as great after a less period of operation. Hence it may be inferred that equal division of land does not produce a rabbit warren, but, on the contrary, after reaching a certain point, does not produce an increasing mischief. Independent owners.

12. The subdivision of the land (as distinguished from the division into property) is very great. Each owner of tillage has, on the average, 3 acres in 17 parcels; of garden land, 2 chains in 3 parcels; and of grass land, 6 chains in 7 parcels. In order to make so low an average, there are numerous instances of yet smaller sizes. The average size of tillage and meadow "parcels" is, in some places, 1 chain, and in some parts of each parish chiefly a half to three-quarters of a chain. Hundreds of "parcels" are still less, and even measure under 1 pole. "Thus the quite small proprietor, who must seek aid by working in the mines or by day labour, frequently has his property in 40 or 50 'parcels,' scattered throughout his parish; the small proprietor, with 8 to 15 acres, has seldom less than 120 to 150 parcels; and the middle peasant has often 200 to 300 parcels." The influence of this minute splitting up of the land upon agriculture will be subsequently noticed. But its influence in lessening credit is also clear. It is evident what advantages the consolidation of these intersected lands would produce; but although the Consolidation Law of Ehrenbreitstein (which it will be remembered included Wetzlar) has offered the opportunity for eighteen months, no village has yet sent in an application to make use of it. It is a difficult work to persuade the peasants, without ocular demonstration, of the advantages of consolidation. The general opinion, however, even among the peasants, is in favour of a restriction of the right to divide and subdivide the land, by limiting to half an acre the size to which the land could be cut up. A similar limitation could be advantageously annexed to the investment of peasants with property in Ireland or elsewhere. It may give some idea of the subdivision to add that a plan of the lands around the town of Wetzlar reveals the fact that a large number of the small parcels are not half as wide as the railroad with its single set of lines. Subdivision of land. Evil effects. Opinion in favour of limit to subdivision.

(γ.)—*Its Agriculture.*

13. The three-field system obtains geographically in the mountainous districts from the Eichsfeld through Wetzlar to the Wester Wald, and across the Rhine to the Hunsrücken.

Crops.

It flourishes here in all its pristine sterility. The outward arrangement of the land is similar to the so-called square plan. Usually a third on one side of the village is set apart for winter corn (rye or wheat), and another third for summer corn (oats or barley), and the last third for fallow occupied with clover, flax, rape, roots, &c. There are sometimes four fields. The field compulsion accompanies the system as a necessary part of it. The head of the village fixes the days on which all must begin and cease to plough, and on which all must sow or reap. This system causes deficiency of fodder, and consequently a diminishing produce. It prevents a practical alternation of grain and green crops, the introduction of hoed crops, the restoring effects of several courses of clover, and the intelligent use of each part of a property for the most suitable cropping. Under this system it is of course impossible for the cultivator to distribute to the best advantage throughout the year his farm work. Neighbouring properties often differ as to the right time and right weather for certain operations, and as to the quality of the soils, but all are obliged to cultivate the same crop at the same time and with the same weather. But it is not needed to point out the disadvantages of such a system; they are patent. It will be observed that the peasants are not impervious to improvement, for they have already abandoned bare fallow. The fact of there being so few large farms has been against them, as to making progress from imitating the successful innovations of the large proprietor.

Field compulsion.

Disadvantage of absence of large farms.

Disadvantages of subdivision.

14. To the disadvantages of the agricultural system are added those of the minute subdivision of the land. This causes an enormous waste of labour, for a peasant has often to sow his winter corn in sixty to eighty different parcels. It also prevents all land improvement. It is accompanied by inaccessibility, for often hundreds and even thousands of parcels have no accommodation ways to them. The absence of such ways costs an incalculable loss of seeds and crops, facilitates theft, and renders a costly watching necessary. It prevents the abolition of the prejudicial field compulsion which must exist until consolidation is effected, and thus obliges the proprietor not to cultivate his property for himself as best he can, but in accordance with what he is ordered to do. Hence, inasmuch as diligence and judgment are not remunerated under this system, the spur to them fails to act; whereas, each proprietor, as perfect master in his own farm, would be continually spurred to their exercise.

Agricultural defects.

15. Agriculture also suffers from the wide-spread *habit of* underfeeding the cattle. Stall-feeding is general, but the sheds are usually very defective and the straw for litter invariably long. The food is usually half boiled, and this is, curious to relate, the traditional custom. Manuring is little understood, and the state of the open farmyard is generally pitiable to see. Meadows are often manured, and gypsum is used for clover. Oxen are employed for draught, horses mainly for leading minerals. The plough is primitive and the ploughing is usually scratching. The meadows are not in good order. But, in leaving this department for Siegen, the meadows are seen to be carefully arranged as water meadows on each side of the streams along which the railroad passes.

Gross produce.

16. The following figures will show the produce under this system—

Yield per Acre.	On Good Land.	On Medium Land.	On Bad Land.
	Bushels.	Bushels.	Bushels.
Wheat, rye, barley ..	22½	11¼	4½
Oats	34	22½	7
Rape	11	7	2
Potatoes	122 to 685	81	42
	Cwts.	Cwts.	Cwts.
Clover	30	15	7½

Compared with the produce of similar but better farmed districts, the produce of Wetzlar is certainly low. The natural qualities of the soil, however, vary considerably, but I was unable to ascertain the proportion of favourable to unfavourable soils. In a comparison of gross produce, with any other districts this consideration is of some account. But in a comparison of the gross produce, which is with what it might be, these qualities constitute an unchanged factor common to both sets of figures. Judging from results obtained elsewhere the gross produce might be easily doubled by the consolidation of lands and its attendant advantages.

Cattle.

The following figures will show the quantity of cattle of all kinds—

Cattle	22,772
Horses	885
Sheep	24,383
Pigs	8,089
Goats	1,853

The sheep are diminishing, but the cattle are stationary. The former are mainly

sheep for wool-bearing, and the latter are a home breed originating in Bavaria. Fattening for slaughter is not practised.

(δ.)—*Its Industry.*

17. Wetzlar has from olden times possessed a mining industry—a southern portion of the rich mining districts which extend from the manufacturing districts of the Rhine Province and Westphalia, and which have only in their lower part been recently opened out by railroads. Wetzlar will soon be in direct communication by rail with the coal districts, and then expects to smelt for itself instead of sending the iron ore to be smelted elsewhere. The gain to the iron industries of Prussia by the realization here and elsewhere of such expectations is obvious. But this important and interesting industrial subject is not within the scope of this Report.

Mining.

18. At present, the iron ore raised in Wetzlar is worth about 30,000*l*; the brown coal 1,500*l*. There are a few primitive iron works, but their production is inconsiderable. Mining employs 1,000 men and 1,600 women and children. This industrial employment cannot fail to be a boon to the numerous class of quite small proprietors, but the number of miners is a small proportion of their total number. The wages of a miner average 15*s*. per week. As yet, there is no marked line between the mining population and the agricultural population. The small proprietors look upon the mining as auxiliary to their agriculture, and the miners invariably remain agriculturists.

House spinning and weaving.

It may be noticed, in conclusion, that there is a home spinning and weaving industry throughout the department. Each household usually spins, weaves, and makes up all it requires in linen and even wool.

(ε.)—*Its Population.*

No tenant farmers.

19. In connection with the statistics in section 4, and for the object of this Report, it will be only necessary to look more closely at the peasant proprietors. There are literally no tenant farmers properly so-called; for the lands let on lease are hired by peasant proprietors. Neither is there any commercial or manufacturing class, On the other hand, there are no day labourers properly so-called; nearly all, if not all, day labourers are also land-owners.

Day labourers.

The day labourers are badly paid, and they cannot afford to provide themselves with such a diet as is mentioned in paragraph 87 of Part III, for the Rhine Province, The farm servants even do not obtain such a good board. The peasants who are not day labourers seldom take meat more than twice a week; and the well-to-do peasants rarely live much better than their poorer neighbours.

Poverty of peasant proprietors.

20. It is not surprising to learn, after considering the statistics already given that the vast majority of peasant proprietors scarcely obtain what is necessary to maintain themselves and to pay the public taxes, and that very many are struggling with need and debts. But this position is far more owing to the prejudicial results of the agricultural system than to the disadvantageous results of the economical system of equal division of land. For, in numerous parts of the Kingdom, departments, freed from primitive cultivation and agriculturally situated on a level as regards soils, &c., with the department of Wetzlar, could be selected for comparison, and it would be found that in them the agricultural relations are infinitely better. Neither are the Wetzlar peasants necessarily less industrious or economical or observant, but their deficiency in any of these respects arises from the prejudicial agricultural relations. Until the field compulsion can be abolished it cannot be otherwise.

Social relations.

21. The average age for marrying is 27. This is to some extent determined by the service in the army, for the mere fact of being married is no reason for exempting a recruit. The well-to-do peasants in some of the villages, however, marry later, and it is seldom that more than two or three children adorn their homes. Marriage is, of course, no matter of inclination, but a subject of contract. The parents, in accordance with the custom peculiar but not altogether restricted to the Frank race, usually negotiate the marriage. Weddings seldom occur between persons of different villages. A small natural obstruction is sufficient to prevent any intimate intercourse between two villages. In the south there is a district where a little rise covered with woods separates a Prussian village from a Hessian village. The walk over it is one hour. Yet the people of the one village scarcely know the people of the other. They never by any chance intermarry. They are practically as much separated as if they were situated hundreds of miles apart. So intensely local is the village life, that the inhabitants of most villages are distinguishable on a market day in Wetzlar by some slight difference in their costume, to which they adhere with true conservative tenacity. The Jews in this part of the world take advantage of a particular

annual ball, at which the maidens appear, to arrange the marriages of their daughters; and bargains, differing in no respect except in the article of traffic from the sale of a cow, are shrewdly closed to the sounds of gay music and the dancing feet of generous youth.

Money lenders.

The usurer is too well known in the department. He enters into almost all the transactions of a peasant proprietor. In fact, the usurer seems to take a place in agricultural business corresponding to the position of the jobber on the stock-exchange. If a peasant has to sell a cow, his only opportunity of sale is the Jew, who is always ready to buy. He might, otherwise, have to wait long for an opportunity of sale. The Jew seems at present to be an inevitable intermediary in all transactions, and he uses his vantage unmercifully. But another reason tends to retain the peasant in the net of the usurer or Jew. The peasant's debts, since he became legally capable of giving promissory notes and bills of exchange, consist less of mortgages than of such proofs of debt. Then, too, they are ashamed of their debts, and will not acknowledge them even for the advantage of reduced taxation. Moreover, they seem to prefer borrowing from the Jew usurer to borrowing from a respectable unusurious lender. In fact, they look upon the former as different from other men, and as one to whom they need not be ashamed of applying. It is therefore a difficult task to rescue them from the usurious money lenders who prey upon them. The Savings' Bank does what it can, both by lending on mortgage with an understanding that, as long as 1 per cent. of the capital is annually deposited in the bank, the mortgage money will not be called in; and also by lending on personal security and two sureties. The better and saving class of peasants makes more use of the Savings' Banks, and invests much in various kinds of personal property, as State loans and the like.

Minimum of land for maintenance of a family.

22. It is a point of importance to ascertain what is the minimum quantity of land necessary to maintain a peasant proprietor and his family. In this Department a minimum of about ten acres on the favourable soils of the plain suffices. This increases to twenty acres as the soil becomes more unfavourable on the rising ground. There are probably not one-tenth of the total number of peasant properties in this position. That so many as nine-tenths should not be in this advantageous position may be regarded as an evil. It is, however, considered that there is much good in a large number of small landed properties, for it places the acquirement of land within the reach of the unpropertied man, and thus places before him an attainable object of ambition, and creates a bond of attachment between him and his country and generally his village also. This opinion seems warranted by the satisfaction prevalent throughout this department under hard conditions of life.

Future improvement of position of peasantry.

Moreover, it must be borne in mind that the nine-tenths of the class of peasant proprietors will be placed in a much better position by the accomplishment of consolidation, and that many of them will then become independent proprietors; for, as the productiveness increases, the minimum of land required for the maintenance of a peasant family must diminish. They do not now obtain the full returns from the properties they hold, owing to the minute subdivision into numerous parcels. Then they will not only obtain the full returns, but be free to earn more money by labouring or working at their other occupation for more days than they now can.

How land is held.

The land is held with remarkable firmness, and little (under the circumstances very little) land comes into the market.

Peasants' clothing.

The villages seem to be mostly peopled with the descendants of ancestors of several centuries ago. The peasants, from highest to lowest, still wear the blouse. But the richer peasants wear a good cloth coat underneath on grand occasions, such as attending the departmental Council.

Houses.

Absolutely considered in reference to a standard of what is desirable for the poorest member of the human race, the greater portion of the houses are wretched, but relatively they are not so bad.

Religion.

In this department the inhabitants are chiefly Protestants.

Instruction.

The instruction of school seems to be partially lost afterwards, for few adults can compute the simplest calculation.

Morals.

It is needless to add that they keep no farm accounts. In morals they do not compare unfavourably with others. For instance, public feeling is sufficiently strong against concubinage to do more than the police regulations in preventing its occurrence. They are an honest, simple-minded race, usually contented and seldom ungracious.

Example of peasant proprietors.

23. It will be illustrative of these remarks to give two or three concrete cases from one of the poorer villages which I visited. A was the largest landowner of the village and parish. He held 28 acres in over 200 parcels, assessed at a nett return of 25*l.*, and probably yielding an income of 75*l.*, exclusive of wages. He possessed 1 horse, 8 head of cattle, some 50 sheep, and some pigs, &c. The yard was tidy, but the manure was wasted in the usual manner. The farm buildings were in good order, and the barns were spacious; but the cattle-sheds were low and unventilated, and altogether far more in accordance with primitive than modern ideas of the treatment of cattle. In the lobby of the house was a cider press. A good kitchen was on the ground floor. The general living room was up a few steps. In this the windows were small but capable of opening. There

was a bedstead in this room, probably, as is usual, for the parents. There were three other rooms. His family seemed to consist of three children. The "Hausfrau" was very cheerful, and was industriously spinning. Brightness and intelligence were not wanting throughout the family. All the house was in good repair. A is strongly attached to the identical acres he has received from his forefathers, and does not approve of exchanging them for purposes of consolidation. B had 10 acres in abont 100 parcels, assessed at about 10*l.* and probably yielding an income of 30*l.*, exclusive of wages. He only owns in reality one-half of the land, for his sister is entitled to the other half. He was making a new set of stairs for his house, and was as blithe as possible. He had been exempted from military service, as being the only son of a farmer, who could not afford to replace his services by hiring a day labourer. He had 5 head of cattle. He employed no labourer, of course; but he, his wife, and his sister, did all the farm work. His farm buildings were relatively good, and his house was in good condition. The farm yard was not as well kept as in the other case. This house had a good living room and two other rooms besides the kitchen. C had scarcely three acres. He had three goats and shared a cow. He worked as a day labourer. The house was in good repair, and contained two rooms and a kitchen; but the living room, with two bedsteads was rather small, and had a low ceiling and very small windows, which could, however, be opened. There were three children under 12 years of age, who could all read, and one recited in pure German, and with good delivery, the hymn of "Ein fester Burg ist unser Gott." The mother looked as if life were a hard struggle. The children were all very decently clothed. In the village school-room there was a boy studying to be a teacher. His handwriting was excellent; and the phrases he had composed were well put together. The teacher's house and farm, for a little land was attached to the appointment, were a model of neatness. It may be remarked, by the way, that much judgment is shown in giving to primary instruction an useful character; thus, in the school of an agricultural village the instruction in reading is given by means of exercises from a handbook to agriculture. Moreover, the teacher is generally connected with the village, if not by birth, at any rate by marriage. His place is no sinecure, for not only has he to teach sixty or seventy children, but to perform the duties of organist at the Church, and teacher of singing to the village.

Village school-house.

It is not necessary to record any other examples of the life of peasant proprietors. The village I visited had a general appearance of being inhabited by people of nearly the same position in life.

As regards the foregoing estimates of "income exclusive of wages," it is meant to include the proprietor's rent and the farmer's profit in the estimated income, and to exclude the labourer's wages, with which the proprietor should credit himself for the labour of himself and family. The farmer's profit includes consequently the returns on capital, apart from land, and the value of superintendence.

(ζ.)—*General Observations.*

No original serfdom.

24. In the first place it is to be observed, that whatever there may be of disadvantage and evil in the relations of this Department, no part thereof can be ascribed to existing or original serfdom, for the peasants were ever freemen. The obvious inference, that many of the disadvantages and evils under which Prussia suffered at the beginning of this century, were probably not attributed to the feudal system, can be quoted in confirmation of the averment in the earlier portions of this Report, that all the progress of Prussia is not to be solely ascribed to the removal of feudal hindrances by Stein and Hardenberg.

Disadvantages of the present position.

25. In the next place, it is obvious of what advantage the consolidation into compact holdings of the minutely intersected lands of the peasantry would be. The peasant proprietors suffer more from the subdivision into parcels than from the actual division of the land into properties. But, further, it is also obvious that they suffer equally, if they do not suffer to a greater degree, from the backward system of agriculture with field compulsion, of which the existence is now preserved by the necessities of the minute subdivision. Moreover, the baneful result of usurious borrowing must not be left out in accounting for these difficult circumstances.

The consolidation of the intersected lands will remedy most of these evils. They will then be able to improve their system of cultivation. The knowledge and industry of each owner will, unhindered, bring in due returns. If associations of self-help could be planted amongst the peasantry, all the evils might be gradually removed; all the evils except usurious borrowing, for the peasant himself can alone, by his own good sense and firmness, rid himself of this evil.

Land improvements.

26. There are also many land improvements which could, with benefit, be carried out. The subdivision into parcels is a great hindrance to them. But as a beginning, a small

tract of meadow-land is to be rescued from flooding, and laid out in water-meadows. It is expected that this undertaking will pay its expenses in two years, and thus increase the annual returns of the land by 1,500*l.* The cultivation of fruit-trees is also to be improved; and a praiseworthy effort is being made to obtain from Wurtemberg educated fruit masters to instruct in various ways the population in the best care of their fruit trees. It is hoped to double the produce. These efforts at improvement are due to the zealous and intelligent action of the county Counsellor. His knowledge and energy will be of great service to the Department. It is to be hoped, that before long his clear statement of the advantages of consolidation will persuade the peasants to remove the obstructions to their progress, caused by the minute subdivision into parcels.

Agriculture of Prussia in 1800.

27. Finally, it is to be remarked, that a considerable part of Prussia was, at the beginning of this century, cultivated on the three-field system, with or without field compulsion, or on some equally obstructive and backward system. The description of Wetzlar will therefore apply in the main to the Prussia of 1800. Consequently, it is evident that the mere removal of the feudal system would not have produced all the subsequent prosperity of Prussia, or even all the succeeding agricultural prosperity of Prussia. At least equal credit must be given to the removal of all such hindrances to agricultural development, as the rights of common, and the necessity for such a system of cultivation as obtains in Wetzlar.

(*b.*)—*The Department of Siegen.*

28. This department was visited for the purpose of obtaining local information respecting the Associations for Water Meadows and for Forest Cultivation. But a brief statement of the agricultural and economical relations of the department will not be out of place for the general purposes of the Report.

(*a.*)—*Statistics.*

Area.

Population.

29. The area of the Department of Siegen is $11\frac{3}{4}$ square geographical miles. The population, which has more than doubled since the beginning of the century and is increasing, is about 53,000, in which the males preponderate by 1,500. Four-fifths of the population are Protestant, and nearly one-fifth Roman Catholic. Of the total population 17,200 are under 14 years, 10,600 from 14 to 25, and 24,200 over 25 years. There are about 17,000 married or widowed persons. Here the men marry at 20 years on an average, and the women towards 20 years. In recent years there has been an average of ten emigrations chiefly to America. The births are about 1,800 a year or 1 to every 28 persons, and the illegitimate are 1 in 23. Fewer children are born in the country than in the town. Childless marriages are rare, and families of 8, 10, and 12 children are not unusual.

Emigration.

Births.

Distribution of landed property.

30. The distribution of property in land, the sizes of landed properties, and the distribution of the different kinds of land, are as follows:—

45	properties of	400 acres and more, with	37,625	acres.
24	,,	200 to 400 acres ,,	6,593	,,
1,141	,,	20 to 200 ,, ,,	55,962	,,
4,494	,,	$3\frac{1}{2}$ to 20 ,, ,,	45,476	,,
16,119	,,	$3\frac{1}{2}$ acres and less ,,	18,948	,,
21,833			164,604	

These properties are cut up into as many as 215,721 parcels with an average size of four-fifths of an acre.

Kinds of Land.	Acres.	Per cent.
Garden land	1,304	1
Plough land	21,971	13
Meadows	16,577	10
Pasturages	4,134	$2\frac{1}{3}$
Wood land	120,493	$71\frac{1}{3}$
Roads, streams	3,504	2
Sites and yards	553	$\frac{1}{3}$
	168,536	100

The number of cattle is as follows:— Cattle.

Horses	603
Horned cattle	14,750
Sheep	6,480
Pigs	1,600
Goats	2,211

The horses have diminished since the railroad was opened. The horned cattle are in about the same proportion per head of population as for the kingdom.

(β.)—*The Division and Subdivision of Land.*

31. A short distance north of Siegen is the undrawn line beyond which the Frank race, with the Frank custom of equal division of land on inheritance, ceases. There is but one close estate in the Department. All the rest of it has been and is subject to the usual Frank custom. The only exception to its application is the frequent fact that the house is left by will to one child. Each portion of land is very often divided between the children, and hence arises the minute subdivision. Inheritance of land

As to the division of land it will have been noticed that the chief difference between Wetzlar and Siegen lies in the fact that the former has only 400 owners, whereas Siegen has 1,100 owners of 20 to 200 acres. The one Privileged Estate has about 3,500 acres, of which, however, only a small portion is tillage. An owner of 25 to 35 acres of cultivated land is considered a large owner, and he of 10 to 15 acres is a middle owner. There are about 732 team-requiring farms with 16,000 acres and 7,138 non-team-requiring farms with 29,000 acres. The term team-requiring is applied to farms containing 10 acres or more of garden, tillage, meadow, and grazing land. Division of land.

32. As regards the subdivision of the land there are 215,721 parcels for the 168,800 acres, giving an average size of $\frac{3}{4}$ of an acre. A consolidation would, therefore, be of great use, but there is no law, and even no great desire amongst the peasants, for such a practical consolidation. The subdivision into parcels is not nearly as minute as in Wetzlar. But a not unusual size of a parcel is 6 to 7 chains; and a parcel of two acres is a rarity. Subdivision of land.

(γ.)—*Its Agriculture.*

33. Geographically the department is a mountainous district, and geologically it is a graywacke district. As will have been seen from the statistics the forest land occupies 71 per cent. of the area. The villages are usually in the valleys with their comparatively small tracts of meadow and plough land, and behind them towers the mountain side with their comparatively large tracts of forest land.

As regards the plough land, little need be said. The cultivation resembles in much that of Wetzlar without the field compulsion. Here each owner cultivates what he pleases in each of his numerous parcels. It is to be doubted that, so long as the minute subdivision lasts, the peasant proprietor of Siegen is, as regards his plough land, in a more advantageous position than him of Wetzlar, the parcels of land being in each case equal. Put rye for wheat and potatoes for peas, and then the usual succession of crops resembles in principle the succession of wheat, barley, oats, and peas anciently recorded for Scotland by Lord Berhaven. In better districts the rotation is as follows:—In the first year, half potatoes and half rye after manuring; in the second year, half rye after potatoes, and half oats; and in the third year three-quarter oats and quarter clover. The ploughing is about six inches deep. There is little drilling of seeds. Manuring is much better understood than in Wetzlar, and chiefly in this particular that sewage water is carefully collected for the meadows. Manure is ploughed in, not merely spread. Wood ashes are used for clover in the meadows. Compost earths are not unknown. In consequence of many unfavourable circumstances, such as mountainous situation, long frosts, and late frosts, a comparatively (for Prussia) large quantity of seed sown broad-cast, is used; viz., of rye, per acre, $2\frac{1}{4}$ bushels, of oats $5\frac{1}{2}$ bushels, of potatoes $22\frac{1}{2}$ bushels, and of clover 22 lbs. In the "Hauberg"-land rye is the chief crop, and the grain is considered sound and good. Barley is rarely grown anywhere, and wheat is still more rare; pulse crops are almost unknown. Plough land. Rotation.

34. The meadows are cultivated with special care. The miner washing his ore on the mountain side could not fail to early perceive the good results of water from the mountain sides, (and especially of water that had passed in its descent through a farm-yard,) spreading over grass land. From these practical observations sprang up the scientific cultivation of meadows. They are water-meadows—either ridge and furrow, or catch, or terrace-meadows—on the principle of irrigation by running water. There are in this Department no meadows irrigated by damming up water. It is not necessary to add to the notices Meadows.

already made in this Report respecting the water-meadows. This cultivation has obtained so much renown, that specially educated meadow masters are in request from Siegen for other parts of the Kingdom. Very few meadows are beyond the reach of this system, and these being dependent upon rain and dew alone are called sky-meadows. These give one crop annually; but water-meadows always give two crops, and a few are mown three or four times. The mistake is often made of delaying the first crop until the grass is in seed. The returns are 60 cwt. per acre on good meadows, 36 cwt. on medium meadows, and 12 to 15 cwt. on bad meadows, hay and after-grass included. But the meadows do not supply enough for the consumption of the cattle in the department. The expensive ridge and furrow meadows are not likely to be much extended, as labour is much dearer than it was. But the catch meadows can be less expensively arranged in any district.

Hauberg forest cultivation.

35. The "Hauberg" system of forest cultivation is a peculiarity of some importance. The land, subject to the forest cultivation in common as described in paragraphs 43 and 44 of Part III, is called the "Hauberg," which, therefore, constitutes a distinctive name for the system. It will be recollected that the "Hauberg" cultivation, consists in allowing the oaks to grow for eighteen years, in pealing the bark, and cutting down the wood, and in using the land for one year as tillage. The owners in common select a President or head of the Association, to represent them, and subject to the opinion of the chief Forest Master in cultivation they manage their own affairs. The shares consist of a certain number of a fixed total of parts allotted to each proprietor. These he can dispose of at will. Every year they decide amongst themselves as to the proper staking out of the tract for cultivation; and disputes on this subject do not come before the authorities. It is a matter of no little difficulty to apportion fairly the due shares of the land, for the variety of qualities of land is naturally great. The manner of doing this was ingenious, but complicated. Now it is becoming the custom not to stake out the tract, but to cultivate it as a whole, and pay to each proprietor his corresponding share of the proceeds. The labour of cultivation is heavy, for the land must be prepared chiefly with a special kind of hoe for sowing. But there is no need at present to describe in its details the cultivation, which is, however, interesting from the practical way in which many difficulties are overcome. Rye and buck-wheat are the crops of "Hauberg" land. The produce is returned at 450 lbs. grain, and 1,350 lbs. of straw (of specially good quality), per acre. But, if the labour be calculated at proper rates, the profit is very small. Yet, it must be remembered, that the owners receive these wages, and if they did not labour at this occupation, might possibly be idle. After the harvest the individual ownership ceases, and the whole tract becomes again the property of all. Whether or not the cultivation could be profitably replaced by growing timber, is a moot question. But it would be difficult to persuade each owner to wait thirty years for his first returns, instead of receiving his present annual returns. The procedure is similar on the Eifel; but the growth of wood is generally shorter, being only twelve years (*vide* paragraph 44 of Part III).

(δ.)—*Its Industry.*

36. Siegen is a rising industrial department. Iron, lead, copper, zinc and cobalt are all worked. Iron is, however, the chief source of prosperity. About 4,000 persons are employed in the mines, representing 10,000 souls out of the 53,000 of total population. It is probably from the profits of its long established mining industry that the department has drawn its capital for the renowned water meadows. Its industry has certainly effected more for the population than the similar industry of Wetzlar for its population. The ores raised are worth about 150,000*l.* The total value of the mining and smelting industries is about 750,000*l.* There is an interesting institution of smelting furnaces owned in common by a large number of owners, but used separately by each association of owners; but its description belongs rather to a report on the industrial position of Prussia. Such smelting furnaces are, however, as yet very primitive, corresponding to the ancient origin of the institution; and they produce these metals very wastefully. There are one or two modern blast furnaces. The total production of all the eighteen iron smelting furnaces is worth about 210,000*l.*

Value of ores.

Value of iron produce.

In these and puddling and other furnaces 860 workmen are employed, and in foundries, wire, and machine works, another 345 men. There is also a spinning and weaving industry of some importance.

(ε.)—*Its Population.*

37. Except in the town of Siegen itself there is no sharp line drawn between the urban and rural population. Even in it, there are a large number of persons who are, at any rate, auxiliarily occupied in agriculture. Fortunately for the department there is no

class of manufacturing labourers distinct from the agricultural population. It is difficult, in such a case, to distinguish between those chiefly occupied in agriculture and in industry. The following are the figures given for 1861 :— Agricultural population.

Persons solely or mainly occupied in Agriculture:					
Owners, Tenants	2,198 with 10,117 relatives and dependents.				
Persons auxiliarily occupied in Agriculture:					
Owners, Tenants	3,364	„	14,135	„	„
Making a total of	5,562	„	24,252	„	„
Agents and labourers..	2,834	„	8,000	„	„
Total.	8,396	„	32,252	„	„

Making in all 40,648 out of a then population of 51,674.

The remaining 11,000 belonged to the officials, commercial class, handworkers, small industrial class, and servants.

As regards the land question, it is interesting to observe that more than two-fifths of the whole population are actually landowners: or, allowing for 20,000 children, two-thirds of the remainder are actually landowners. Only a thirtieth portion of these are, however, in independent circumstances from agriculture alone, that is, possess team-requiring farms. Landowners.

The population can in general be considered to be well to do. There is, on the one hand, a relatively considerable number of monied people, and on the other hand, there is no pauperism among the working classes. For this the mining industry is, in some degree, to be thanked; but the diligence and economy of the Siegen population are in a much greater degree to be thanked. Of the working classes, the workers in iron are in the best position. They earn good (for the district) wages of 1*s.* 6*d.* to 2*s.* 6*d.* a-day, have good food, and mostly work a little at agriculture, which is beneficial to them. The small cultivating proprietor, who is too often heavily in debt, is the worst off, and there are few persons who can exist by the produce of agriculture alone. If, as in some parts, he can get no auxiliary employment, his condition is wretched. The day labourer, except in the towns, is invariably the owner of a small property. Pecuniary position of peasantry.

38. There is no doubt that the population has profited much by the associations for meadows and the Hauberg system. As regards the latter, each owner would by himself have obtained less return, and the present growth of low wood would have been lost. The advantages of association in meadows are obvious. The principle of compulsion is no doubt an encroachment upon the liberty of the subject to obstruct the progress of whatever he may please to dislike, but it is here recognized as no evil addition to the laws on these associations. The people are firmly attached to the Hauberg system, and enthusiastic about their meadow associations. It is not without advantage to have the Government Forest Inspector in a position of active superintendence. If a sensible head of an association finds himself likely to be overruled in the full meeting of the society and to be directed by his co-partners to execute a prejudicial detail of cultivation, he can have recourse to the scientific opinion of the Forest Inspector, and strengthen his position. In this way it is often advantageous to have the properly qualified man at hand with authority to command if necessary. These associations have certainly, on the whole, considerably added to the income of the peasant proprietors. Without them and the industry, the department could not have held its own and advanced so well. It is the climate, soil, and position which render the circumstances of the pure agriculturist so bad, not the size of his property. The large proprietor would, with his land, not come off better. On the contrary, the fact seems to be that the small proprietor obtains more per acre than the large proprietor. Land, if exchanges of parcels be included, is said to change hands every twenty years. Associations are beneficial.

A striking instance of the instinctive conservatism of the small peasant proprietors, even of a struggling peasantry, was lately offered in this department. A so-called "social democrat" association of a large manufacturing district sent two lecturers into Siegen. The agricultural population were in difficult circumstances. The industry was considerable, and therefore the restless portion of the manufacturing population would be there So they thought they might gain some adherents. The lectures were duly advertised, and the authorities were wisely silent and inactive. The first lecture was ridiculed by the audience and at the second the lecturers were fairly laughed out of the room. The lecturers returned discomfited.

(ζ.)—*General Observations.*

39. This department offers an instructive example of the possibility of removing several of the evils of small proprietorship by the principle of association, applied in such a manner as to retain the advantages of individual property and to obviate the disadvantages

of individual credit. Any return from their forest-land would otherwise have been impossible for the small peasant proprietors. A water meadow would have been an impossible improvement for them.

Industry has had a greater influence in Siegen than in Wetzlar, but has not yet separated the population into distinct manufacturing and agricultural classes. It is of important assistance to the small proprietor, but it does not detach him from his land. It will, however, have been noticed that the indications of a manufacturing class are to be traced in the want of forecast shown in early marriages. The half-mining, half-farming peasant population of Siegen is more blessed in children than the well-to-do peasant proprietor of Wetzlar. On the other hand the absence of the field compulsion and the presence of greater freedom of cultivation may be owing to the greater freedom of ideas arising out of the greater importance of industrial pursuits in this department. But the instinctive conservatism, as manifested by attachment to his little property and his sense of the principle of property, of the small proprietor is not injured by its influence.

(*c.*)—*The Provincial District of Cologne.*

40. The chief point of interest in respect of this provincial district lies in the comparison of tenants and proprietors, and consequently all other questions, except the general condition of the peasantry, will be more briefly treated.

As there was only time to visit the department of Bonn and the country department of Cologne, the remarks in this subdivision will be chiefly based upon inquiries within that area, but are in the main applicable to the whole Provincial District. For this reason the statistics of these two departments will be specially given.

(*a.*)—*Statistics.*

Area. Population. agriculture.

41. The area is 70 square geographical miles. The population has increased from 324,632 persons in 1816 to 557,496 in 1861. There were engaged in agriculture :—

Solely or mainly—	
Owners	26,402
Tenants	1,898
With relatives and dependants	111,444
	139,744
Auxiliarily—	
Owners	9,820
Tenants	1,680
With relatives and dependants	43,693
	55,193
Total	194,937

The bailifs, servants and day labourers numbered 41,675 persons with probably 100,000 relatives and dependents. Hence nearly 300,000 persons were interested in agriculture. The balance of emigration was in 1863 only 70 persons being one-fourth of the average for the Kingdom and also for the Province. The births about 21,000; the illegitimate being 5·86 per cent., half as many more as the average of the Province.

inds of land.

42. The quantities of each kind of land are as follows :—

	Acres.
Tillage, including moor and turf land	528,548
Vegetable gardens and orchards	21,838
Vineyards	2,480
Meadows	58,476
Pasturages	19,034
Wood land	330,047
Waste land and heaths	32,220
Cemeteries, &c.	2,862
Roads, rivers, waters, barren land	33,432
Sites, &c.	7,760
Total	1,036,697

istribution of nded property.

The distributions of properties in land was in 1859 as follows :—

	Number.
Of over 400 acres	142
Of 200 to 400 acres	256
Of 20 to 200 „	9,660
Of $3\frac{1}{2}$ to 20 „	33,404
Of under $3\frac{1}{2}$ „	80,876
Total	124,338

There are 142 privileged estates.

43. Industry has an important position. The mining industry employed in 1863 :— Industry.

For brown coal	898	labourers, with	1,906	wives and children.	
For iron	496	„	1,027	„	„
For zinc and blende	1,811	„	2,559	„	„
For lead	199	„	2,801	„	„
For copper..	216	„	348	„	„
For copper and alum.. ..	100	„	200	„	„
Total	3,720	„	8,841	„	„
The metallurgic industry employed—					
In iron and steel works, about..	1,500	labourers, with	3,700	wives and children.	
In other works	300	„	600	„	„
Total	1,800	„	4,300	„	„

The textile industry employed :—

The textile industry employed—		
For wool spinning	982	labourers.
For cotton „	1,004	„
For silk weaving	823	„
For cotton and half-cotton weaving	1,598	„
For wool and half-wool weaving	351	„
For stocking weaving	469	„
For cloth „	403	„
Total	5,630	„

There were also numerous classes of workmen employed in other industries. Then commerce is extensive, and the smaller trades are in large proportion to the population.

44. The public relief of the poor cost an average of 49,500*l.* in 1859 to 1861. This included paying for poor school children. This expenditure was met by 33,000*l.* from special funds and 16,500*l.* in money contributions. Poor.

In respect of crimes and misdemeanures the average is below the average of the State, being one case to 3,118 persons. Crime.

There are few sheep, but the horned cattle are double the average of the State, and the horses are above that average. "arcels."

There are 1,813,410 "parcels" to the 1,036,697 acres, making an average size of three-fifths of an acre. Of the total area there are 124,175 acres of more or less inalienable land and 912,522 acres of alienable land.

45. The country department of Cologne, excluding the town of Cologne, and the department of Bonn, contains 7¾ and 5½ square geographical miles, and possessed 63,600 and 60,300 inhabitants respectively. Of the former, 6,500 were in the town of Dentz, and of the latter, over 19,000 were in the town of Bonn. These numbers have increased much since 1862. Statistics of Department of Cologne and Bonn.

In 1861 the persons engaged in agriculture were as follows :—

	Cologne.		Bonn.	
Mainly occupied—				
Owners	2,433		2,635	
Tenants	470		151	
Families and dependents	12,599		12,750	
		15,502		15,536
Auxiliarily occupied—				
Owners	821		1,370	
Tenants	349		363	
Families and dependents	3,557		5,342	
		4,727		7,075
Bailifs, labourers, &c.	..	6,514	..	5,312
Total	..	26,743		27,923

The kinds of land are as follows :—

	Cologne.	Bonn.
Tillage	91,442	43,583
Garden	3,376	3,720
Meadows	783	1,808
Pasturages	427	400
Wood land	11,400	23,480
Roads, &c.	3,568	2,058
	110,996	75,049

The distribution of property is as follows:—

	Cologne.	Bonn.
Over 400 acres	21	7
From 200 to 400	78	12
From 20 to 200	745	465
From $3\frac{1}{2}$ to 20	2,683	3,354
Under $3\frac{1}{2}$	8,003	15,096
	11,530	18,934

In the former there are 21, and in the latter 16 privileged estates.

e of land.

46. The average price of land is for tillage 52*l.* 10*s.* an acre in the department of Bonn, and 53*l.* an acre in the department of Cologne, and for garden land, 76*l.* 10*s.* and 124*l.* respectively, and for meadow land in the former, 46*l.* an acre. The average rent is 1*l.* 1*s.* and 1*l.* 8*s.* respectively for tillage, 2*l.* 10*s.* and 4*l.* 1*s.* respectively for garden land, and 1*l.* 13*s.* in the former for meadow land. Of the mining industry in the two departments I have no figures at hand. In the department of Bonn about 800 workmen are employed in

istry.

alum, cement, stoneware, and other factories. In the country department of Cologne 2,000 workmen are employed in machine and railway-carriage works, and about 800 in other factories, including 122 in a beetroot sugar mill. The direct taxes produce per head 7*s.* and 7*s.* 6*d.* in the country department of Cologne and in the department of Bonn respectively. In the former 13,066 owners possess the 116,279 acres, and in the latter 20,481 the 79,270 acres. The following are the quantities of alienable and inalienable land in each:—

ribution of
erty.

	Country Department of Cologne.	Department of Bonn.
	Acres.	Acres.
State property	8,472	7,051
Communal property	453	1,250
Church and glebe lands	2,666	1,417
Charitable institutions	4,310	1,654
Fiefs and *fidei commissa*	758	None
University, schools, &c.	14	276
Total more or less inalienable ..	16,673	11,648
Freely alienable	99,606	67,622
	116,279	79,270

(β.)—*Its Agriculture.*

47. It is not necessary to enter into an examination of the division and subdivision of the land. The former varies much, and varies exceedingly even in the two departments specially visited, for in that of Cologne the properties under 20 acres are about 12 times,

ision of land.

and in that of Bonn 36 times as numerous as those above 20 acres. This latter distribution approaches that of Wetzlar. As in this provincial district there are on the average 13 parcels to each owner, the subdivision will also in some parts approach that of Wetzlar. It will be recollected that the opposition to consolidation of intersected lands was too great to admit of its being connected with the extinction of commons. This latter has proceeded favourably, and has conferred many benefits upon the whole province.

division of
l.

48. Agriculture is in most respects favoured by the climate, which is more of a sea than a continental climate. In the plain along the Rhine the soil is good, although it varies much and suddenly. The country department of Cologne contains 45 per cent.,

iculture.

and the department of Bonn contains 25 per cent. of favourable soils, chiefly loam. They have also 45 and 50 per cent. respectively of mixed soil, and the latter has also 20 per cent. of gravelly loam and gravel. Usually the land of the plain is self-drained, and requires no artificial draining. Plough-land is thus distributed according to the classification of the land tax.

	Acres.
1st Class	6,768
2nd „	42,158
3rd „	102,529
4th „	137,896
5th „	119,300
6th „	86,573
7th „	51,115
8th „	15,914
	562,253

On the lower land all kinds of crops are cultivated. On higher lands, not exceeding 600 feet above the level of the sea, most crops, excepting the finer vegetables, succeed everywhere. Above this height oats are the most advantageous crop. Chalk and bone-meal, as well as animal manure, are used. Above 900 feet comes the so-called moor land* ("Schiffelland"), which is cultivated by burning the sods into ashes for manure. The land is tilled for three years, and then lies fallow from fifteen to thirty years. Horses are used on the larger and oxen on the smaller farms. The peculiar "Huns" plough, already described, is in common use, but modern ploughs are also much employed. Implements of modern construction are generally replacing the ancient forms. Steam threshing-machines, and drill machines and extirpators are increasing in number, and steam ploughing is talked of. Corn is not usually spread for drying, but immediately bound into sheaves.

Meadow land is being regulated, especially on the right bank of the Rhine where the provincial district approaches the department of Siegen. Pure fallow only occurs in the hilly regions, and scarcely ever in the Departments of Cologne and Bonn.

The rotation is generally in six or seven courses without fallow, or in five with half fallow. The seven course is—1, potatoes; 2, wheat, winter barley, or rape; 3, rye; 4, clover; 5, oats; 6, wheat; 7, rye, and then spring turnips ("Stoppelrüben"). But there are numerous varieties according to soil and position. The gross produce averages in the plain on land of the first-class 27 bushels, and of the fifth-class 14 bushels for wheat and rye; 45 and 18 bushels respectively for barley, 23 and 9 bushels respectively for rape, 56 and 23 respectively for oats. Rye in the eighth-class produces 7 and oats 11 bushels per acre. Clover produces in the first-class 3,750 lbs., in the fifth-class 1,800 lbs., and in the eighth-class 600 lbs.; and potatoes produce 12,000, 4,500, and 1,800 respectively. The gross produce in the hilly regions is of course much less in the same classes, usually one-third less. **Rotation.**

The number of cattle in the provincial district is as follows:— **Cattle.**

	No.
Horses	20,311
Cattle	151,497
Sheep	57,722
Goats	25,634
Pigs	37,632

Of the cattle there are 92,232 cows, and of the sheep 43,326 are half-bred, and only 2,175 are merino and fully bred.

There is much room for improvement in the races of cattle, but much attention is already given to breeding of horned cattle. At present the town of Cologne is partly supplied with beef by animals which come from long distances, even from Hungary. It is beginning to be understood that by organizing the farming for fattening cattle, the neighbouring farmers could supply the meat, improve their farming, and increase their profits. There is some high farming in this provincial district. It will not be uninteresting to give a brief account of the farming on a large estate belonging to a beet-root sugar company. This was visited last June by agriculturists under the leadership of the late Professor Hartstein, and is near Cologne. The estate consists of five farms, each with its stock, and contains in all about 1,400 acres. The farm buildings are partly good and partly indifferent. The farms are, however, mostly on lease, and the lessor should make, but has not made, the necessary repairs and reconstructions. Both horses and oxen are used for farm work, and the latter are afterwards fattened for slaughter. In order to carry on the farm work at the proper time, and also to use the beet-root shreds after the expression of the sugar, an ox of 1,200 lbs. to 1,300 lbs. living weight is maintained for each 5 acres to 6 acres. These are at present of the Birkenfeld or Schwarzwald race. Reckoned upon an ox of 1,200 lbs. living weight, the daily fodder of an ox consists of 80 lbs. of expressed beet-root shreds, 10 lbs. of straw (chiefly oat straw), 6 lbs. of chaff, 3 lbs. of poppy cake, 2 lbs. of malt dust ("Malz-keime"), 1 lb. linseed. This diet varies a little according to the season. For hard work the oxen are only used half the day. For fattening the daily fodder is different. It consists of 60 lbs. expressed beet-root shreds, 6 lbs. chaff, 5 lbs. clover hay, 4 lbs. poppy cake, 1 lb. rye bran, 1 lb. maize, 1 lb. lupines, 1 lb. peas, 2 lbs. malt dust, 2 lbs. linseed. The rye, bran, maize, lupines, peas, and linseed are given as warm liquid food. The cattle eat also the straw which is provided in large quantities. An increase of 250 lbs. to 300 lbs. in weight is expected. Cows are only kept for the immediate wants of the establishment, as they do not use so profitably the expressed beet-root shreds. The manuring is very high and is used for the grain crops which precede the beet-root. The superphosphate is made by a simple process on the **High farming.**

* "Schiffelland" is said to be so called from the provincial name of the peculiar implement used in its cultivation.

estate, and, although the bones are partly imported from Belgium, costs only 7*s.* to 7*s.* 6*d.* per cent. The proximity of Cologne itself is a great help in procuring natural manure. There is no regular course of cropping. The factory expects 100,000 cwt. of beet-root annually from the estate, and the farming is based upon this demand. If the manager can persuade the neighbouring farmers to enter into contract to supply beet-roots, then he cultivates fewer on the estate. The suitable soil for beet-roots is cropped with them and grain crops alternately. Last year (1869) the crops were thus distributed:—

	Acres.		Acres.		Acres.
Beetroots	562	Winter wheat ..	253	Oats	162
„ for seed ..	19	Summer „ ..	83	Peas	3
Potatoes	6	Rye	83	Lupines	12
Fodder roots	16	Barley	20	Vetches	5
Red clover	108	Clover grass ..	8	Lucern	60

And 30 acres of flax and other crops. The proportion of roots to grain is over one-third.

The preparation for taking grain crops is heavy manuring, nine to ten inch ploughing harrowing, rolling, and then the action of the extirpator; the seeds are drilled with Garrett's machines, corn at 7½ inches for early seed and 6 inches for later, and 5½ for oats and summer wheat. Smith's horse hoe, as improved by the manager, is used in the spring, and, if necessary, Crosskill's roller also. Steam and whim threshing-machines are used. For the beet-roots the preparation is 13 to 16 inch ploughing and then harrowing, crushing, and extirpating, until the tilth is very fine, like garden cultivation. Dibbling machines are tried for sowing. The grains are only sown after eight days of at least 52 degrees Fahrenheit. The average gross produce is of beet-roots 150 cwt., of wheat, 1,200 lbs., rye, 1,000 lbs., barley, 1,200 lbs., oats, 1,100 lbs., beet seed, 1,000 lbs., clover, 30 cwt.

It will have been noticed that the estate consists, to a large extent, of leased lands. Some portions were originally leased to small tenants. The Manager can frequently, for ten years, and even more, tell by the appearance of the crops in a field which part of the field was formerly one of such small leased portions. This arises from the fact that such small tenants seldom farmed well and alike. One would do tolerably well by his acre or more even to the end of the lease, and his land would take two or three years to get into good tilth. Another would use his land carelessly, and his land would require half-a-dozen or more years to bring into good condition. But another—not an unfrequent case—would extract every possible penny out of the land, and ruin it for ten years.

Agriculture of Department.

49. The agriculture in the department rarely approaches the preceding description; and in the neighbourhood of Bonn, except in garden cultivation, it less rarely rises to even comparatively high farming. But in neither department did there seem to be any material difference between the farming of the tenant farmer and of the proprietary farmer. The middle tenant is, however, more easily induced to cultivate beets than the middle proprietor even if the greater profit is proved to each. The middle proprietor is satisfied with the returns from his land and cares little to have more than enough. But this is only exceptional, and arises in part out of a fear on the part of the proprietor to spoil his land, which does not act so powerfully in the case of the tenant. Although agriculture suffers from the effects of minute subdivision even on a large estate composed more or less compactly of a number of properties, yet in spite of the minute subdivision of land it prospers, and the independent peasant proprietors are able not only to maintain themselves respectably, but often to save.

Industry.

50. There can be little doubt that industry aids agriculture in the Provincial District, but it is difficult to apportion the amount of aid, even where there is a surplus population, for industry not only provides employment for surplus population, but itself promotes an increase and closer density of population. But no examination into industry is necessary in the notes respecting this provincial district.

(.)—*Its Population.*

No class of tenants.

51. Even in this provincial district, where agricultural tenants are (for Prussia) numerous, there is no class of agricultural tenants. Even here the tenants are mainly on more or less inalienable lands. Such lands are in larger proportion than they would have been, had the French been able to sell the church lands they secularized. Reverence for such lands was in those days too great for many to be willing to purchase them. Hence the French sold what they could in small portions, and endowed charitable institutions with much of the remainder. In this way we have a cause for some of the lands in mortmain, and a cause for some of the small division of property in land. The past distribution,

therefore, does not replace to that extent original large estates. Neither does it probably, as regards the rest of the land, within the district.

Day labourers.

52. Here, as elsewhere, the small proprietors constitute the main portion of the day labourers. The small tradesmen and hand-workers turn out to gather in the beets, and the cobbler works at such a time at his trade on Sundays and in the field during the week. There are, however, not sufficient farm labourers for the larger estates, and an importation of Swedish peasants is likely to increase and to extend in the province. There is, therefore, seemingly, no surplus population, probably because industry has so rapidly developed. It is usually considered so beneficial that a labourer should have some land, that the mining companies usually give the miners land; and a proposal to manufacturers to provide plots of land for the working people is not always ridiculed. The cost of living to a labourer's family (parents and three children) is in Cologne itself estimated at 61*l.* 10*s.* a-year; but in the country, according to the locality, from 22*l.* 10*s.* to 30*l.* The wage is, in Cologne, 2*s.* to 2*s.* 6*d.* a-day, so that the labourer, artizan, or other, scarcely earns what he must spend. This holds good in a varying proportion in the country, for the father never appears to be able to earn in day wages enough to meet the expenses of his family. The fact of his usually possessing his own house and a field, and perhaps a cow, is not forgotten in the estimate. Some members of the family must work also. If the day labourer be also a proprietor of more than a plot of ground, then he gets a larger income. The wages of the farm servants vary also very much. Numerous Savings' Banks and Loan Associations have been established to protect the peasant from the usurer. They are still prospering most rejoicingly. The Savings' Banks do not, however, lend on personal security, as in some other places. The pawning establishments are in connection with the Savings' Banks in Cologne and Bonn. There are several benefit societies, especially where manufacturing or mining industry is. There is said to be comparatively little pauperism, considering the extent of the manufacturing influence. But I could not ascertain with any definiteness the proportion of pauperism in the agricultural and industrial classes respectively.

Peasant proprietors.

53. The manner of living of the peasant proprietors, is grade for grade, better than in the prospering villages of the Provinces of Saxony. But the difference between the two regions of peasant proprietors is more marked in this, that here there is much more movement, and much more individual life than elsewhere in the Kingdom. The proprietary peasantry is less servile to authority, and more independent of suggestion from above. Race can have little to do with the difference, even if race could make a difference. Past political history has more, and the provocative influence of restless industry may have much, to do with it. Mere prosperity suffices not to account for it, as will be more clearly understood at the conclusion of this Report. Nor is the influence of Western civilization to be forgotten. The Rhine Province has the independent character, and the persevering activity of Gallic civilization. The Gallic combination of pleasure and economy is also to be seen. There is thrifty economy, but not the rigid economy which excludes any expenditure for pleasure. The peasant proprietors save, but they also take trips on the Rhine. The Saxon peasant proprietors have a little of this spirit, and combine dancing and music with the economical plainness of the village life. The Wetzlar peasantry have been too isolated and are struggling too hard with life to blend pleasure happily with economy. But they, too, are given to village amusements.

One point in the character of the Rhenish peasantry must be specially noticed. It arises probably in part from the independence of character, the greater individuality of life, and the perfect reliance on his own opinion. Then, too, he has an unusual knowledge of the laws of his country, and being opinionated in such knowledge, is induced to enter into, and to obstinately carry out, law-suits. But whatever the cause may be, the fact is, that he is litigious, especially in the department of Bonn. Unfortunately for him, the law costs are heavier here than in the Eastern Provinces; but he will rather ruin himself by carrying his suit from one Court to another, than abandon his opinion.

The peasant cannot be said to be wealthy, or usually even well to do; yet the very poor peasant is rare. Wealth is widely, and therefore more equally, distributed. The Rhenish peasant is sociable, and his speech is full of proverbs. He is good-natured, and prudent, and even distrustful in business transactions of others. He is generally industrious. As proprietor he carefully tills and improves his land, but is not unfrequently wasteful of his time. Anything out of the usual course, such as a visit to a notary, consumes a whole day. Announcements of births, recruiting, and military affairs, and the like, have their days marked, as the saying is, "in blue" to be fêted by cessation of labour. This waste of time is in addition to the necessary waste out of which it probably proceeds, and which their religion demands for festival days and pilgrimages of eight and even ten days. These, too, act prejudicially in the best agricultural season. In winter also, much time is spent in the "dolce far niente." The peasants do not, however,

adhere, like limpets to a rock, to the olden customs and maxims of cultivation and life of their forefathers. In this respect the last half century has witnessed an enormous improvement. This improvement is in no small degree due to compulsion in the two forms of school attendance, and military service. The formerly more common peasant character of immobility, warranted the proverb—

"Wenn der Bauer nicht *musz*,
Regt er weder Hand noch Fuss."

Marriages.

54. Marriages amongst the peasant proprietors, who are not day-labourers, display generally the usual prudence and forecast, and take place, on an average, late. But the contrary is, unhappily for them, the case amongst the day-labourers, who exist mainly by labour. They marry lightly, and consequently with their families become, not unfrequently, charges for the winter upon the poor funds. This cause, taken in connection with the estimate before given of their income and outgoings, will fully account for their neediness.

Houses.

Clothing

Education.

Morality.

55. As regards the peasantry in general, their houses are, absolutely considered, too often wretched, but relatively they frequently compare well with the houses of other classes. Their clothing is always respectable, and generally neat; rags are indeed a rarity. Even if they retain their school-teaching, and profit by it to gain some other knowledge, they seldom, if ever, display any desire for further education, either for themselves, or for their children.

In conclusion it may be noticed that their morality is on the whole praiseworthy, even if the "Code Napoléon" may, as is thought, be credited with a material share in that result.

(δ.)—*General Observations.*

56. The chief object of visiting this provincial district has been only negatively attained, for the agricultural tenants do not exist even here as a class, and no useful comparison of agricultural tenants and proprietors could be instituted. It is clear that such a comparison for Prussia can only be made in New Pomerania, but that province was too far out of the line of my journey to be included. The other object of sketching briefly the general condition of the peasantry has been, it is feared imperfectly, because hastily, attained. It is true that they prosper, and lead a more active and intelligent life than the peasants of the eastern provinces. But many are necessitous, and most of them could lead a much more active and intelligent life. There is no proof that the equal division of land, even accompanied by the prejudicial subdivision of each portion, is ruining the province or beggaring the peasant proprietors.

Tenants *v.* Proprietors.

57. It was acknowledged that, though in theory and with very long leases the tenant should farm better than the proprietor, both starting with the same original capital, yet, as a rule, the fact was that the existing proprietors farmed better than the existing tenants. As rents, if the values and rents of land in paragraph 46 be compared, average only 2 per cent. and even less on the value of the land, it is clear that the tenant of equal capital would, from this point of view, have an enormous advantage over the proprietor. But so many other considerations intervene, that, although the Prussian nation is by no means wanting in keen money-making men, the result is that these money-making tenants do not constitute a class in the agricultural economy. For the most part, the lands on lease are leased by proprietors, or let in small portions to small tenants who cannot possibly farm high, or who buy land as soon as they can. Moreover, the nett pecuniary advantage in favour of the tenant compared with the proprietor is the difference between the original capital of the tenant and the part of his original capital which the proprietor can raise on mortgage, for the interest on the mortgage would cancel the rent of the tenant. The probability is that the difference is on the average a quarter of the original capital. Is the extra advantage of that quarter employed as farming capital sufficient to counterbalance the advantages of ownership even with the disadvantages of a mortgage? If the mortgage be granted by a savings bank, or a loan association, or any other institution not likely to call in the money at an inconvenient moment, and possibly granted with a scheme of redemption, the proprietor's position is yet more improved.

As to leases.

I met with a curious incident of the working of agricultural leases in regard to permanent improvements. The lessor did not or would not build or rebuild the necessary sheds for cattle and other purposes. The lease ran for ten years unexpired. The lessee could not afford to build or rebuild sheds for the advantage only of using them during the lease. He was therefore seriously thinking of importing iron sheds, which would not be fixtures and could be taken down in a couple of days. If he could have bought land he could have made the necessary permanent improvements for his farming business, but he was obliged to hire the neighbouring land. If the landlord makes the necessary improvements, then the agricultural tenant can farm better, but if he do not make them, is it good that the tenant should be hampered? If not, would the State be right in compelling

improvements on the part of the landlord on the alternative of a building lease at an agricultural rent?

There is no scarcity of money in the Rhine Province, and, at any rate in the neighbourhood of Cologne, the small peasant proprietor can easily get money at 4½ and even 4 and less per cent. I did not succeed in finding out to what extent he availed himself of his facilities for the purpose of procuring circulating capital. No scarcity of money.

(*d.*)—*The Department of Langensalza.*

58. This department was selected for the purpose of looking at the effects of consolidation of intersected lands, and of observing, so far as the season permitted, the more advanced agriculture of the peasant proprietor.

(*a*)—*Statistics.*

59. No complete set of statistics of later date than 1863 exists; but the statistical relations have not materially changed. As the village of Altengottern was the chief spot of inquiry, its statistics will be given. The area of the department is nearly 7½ square geographical miles, and the population is about 34,000, of whom 12,500 live in the three towns, and 21,500 in the country. But there is no essential distinction between urban and rural population. Hence the proportion of children is the same in each kind of population. The births averaged 1,300 a year, and the illegitimate were 1 in 10. The deaths averaged less. The per-centage of deaths of infants was 21 per cent., and was considered moderate; but it was only 16 per cent. in 1859. The towns had in three years increased by 2·34 per cent; but the country by only 0·85 per cent. There were 129 persons entirely supported, and 413 partially supported by charity. The emigration, which averaged 65 persons a year in 1856-58, had decreased to 45 in 1863. It is said that the former larger number was owing to the attraction of California, and the higher number in 1859 to the mobilization of the army when some fathers of families evaded the army by emigrating. Area. Population. Births. Emigration.

As regards the persons occupied in agriculture there were— Agricultural population.

Of persons solely or mainly occupied—			
Owners	1,815	with 6,452 relatives and dependants.	
Tenants	34		
Of persons auxiliarily occupied—			
Owners	1,119	with 4,189	„ „
Tenants	25		
Making a total of	2,993	with 10,641	„ „

There were also bailiffs, farm servants, and day labourers to the number of 4,043, with about 10,000 relatives and dependents.

The population connected with land can, therefore, be estimated, at about 28,000, leaving some 4,000 only unconnected with land. This is in respect of occupation, not of proprietorship.

60. The distribution of the area into different kinds of land and into properties is as follows:— Kinds of land.

	Acres.		Acres.
Sites and gardens	2,001	Waters and ditches	1,197
Plough land	82,848	Other land for common purposes ..	714
Meadows	4,692		
Pasturages	1,601	Total	100,369
Wood land	3,515	Forests of privileged estates and of communities	7,162
Barren land	932		
Roads, &c.	2,869	Total	107,531

Properties.	No.	Properties.	No.
Of 400 acres and more	25	Of 3½ to 20 acres	2,561
200 to 400 acres	20	3½ acres and less	2,587
20 to 200 „	807		
		Total	6,000

Distribution of property.

Of these there were in the country—

Properties.	No.	Properties.	No.
Of 400 acres and more	23	Of 3½ to 20 acres	2,053
200 to 400 acres	19	3½ acres and less	1,788
20 to 200 „	771		
		Total	4,654

Each of twelve classes of tillage is represented; but the greater portion of the area falls into classes 2 and 3.

The meadow land has probably much diminished in acreage since the above statistics were collected.

Team-requiring farms.

The team-requiring farms (of 16 acres and more) numbered 875, with 31,400 acres, as against 781 in 1816, with 26,440 acres. The average size of such a farm in 1859 was 36 acres, as against 34 acres in 1816. They have, therefore, materially improved their position in spite of the equal division of land. Only one-tenth of the area of the department is not freely alienable. Some 20,000 persons (or at any rate persons entered), with 83,000 acres, have benefited by the abolition of all charges and services and extinction of commons.

Taxes.

Income-tax is paid by about 100 persons, and class-tax by 11,500. The taxpayers in each case are slightly increasing in number and payments.

Industry.

The large industry, apart from agriculture represents scarcely 3,000 of the population, and is chiefly located in Langensalza itself.

Justice.

Before justice the position of the population had improved in three years to 1862, and was not unfavourable in 1860.

Statistics of Altengottern.

61. With respect to Altengottern, the chief statistics are the following:—

Population	1,556	Private houses	322
Public buildings	11	Stables, barns, &c.	773

Nearly all the farms and buildings are insured. The population is entirely agricultural. There are two privileged estates subject to feudal descent.

The team-requiring farms have diminished: thus in 1816 there were 50 of 1,220 acres; in 1859, 41 of 1,120 acres.

The land-tax produces 370*l.*, and the class-tax 185*l.* Only a few persons pay income-tax.

The distribution of the kinds of land is as follows:—

Kinds of Land.	Acres.	Kinds of Land.	Acres.
Tillage	3,560	Roads, &c.	176
Meadows	653	Waters and ditches	121
Pasturages	36	Sites and gardens	193
Wood land	2	Land for common uses	20
Barren land	118		
		Total	4,879

Producing 4,285*l.* in net returns of Land Tax assessment.

The greater part of the meadows and pasturages is now plough land.

The agricultural position in respect of the plough land may be estimated from the fact that—

	Acres.		Acres.
In the 1st Class are	280	In the 5th Class	550
„ 2nd Class	540	„ 6th Class	420
„ 3rd Class	585		
„ 4th Class	610		2,985

leaving scarcely 600 acres for the remaining five classes represented.

The Communalty possesses 150 acres, an inn, a bakehouse, and a poor-house. It has 1,350*l.* of debts; of which 825*l.* are old war debts, and 425*l.* for the inn and turnpike-road.

In respect of live stock Altengottern possesses, except in horses, many more than formerly. In 1862 the village possessed,

Horses	99	Pigs	300
Horned cattle	614	Goats	232
Sheep	2,125		

There are two churches and three schools. The former are in the gift of private persons. They possess a capital of about 400*l.* The incumbents possess 120 acres of glebe land. The income of the one is calculated at 154*l.*, and of the other at 90*l.* The schools possess 20 acres, and a capital of 65*l.* The income of each of two teachers is calculated at 49*l.*, and of the third at 45*l.*

(β.)—The Division and Subdivision of Land.

Sub-division of land.

62. What the subdivision of land formerly was, can be estimated by referring to the statistics of the parcels of Altengottern and Grossengottern, mentioned in paragraph 4 of Part III of this Report. The lands of these villages were the most subdivided, but other

lands approached them for smallness of the parcels. No village possessed its lands in an advantageously compact shape. But the subdivision of land in this department has been remedied by the application of the compulsory consolidation in connection with the extinction of rights of common. There is scarcely a communalty which has not already received the benefits of such a consolidation. Of the former number "of parcels," I was unable to procure full information. But, although the subdivision was not as great as it is in Wetzlar, it was very minute, especially in certain districts. The lands of Altengottern were the most subdivided. Four-fifths of the area of the department has been readjusted, and carefully laid out in a practical manner.

Division of land.

63. As to the division of land into property, the first remark, as betokening the difference between this department and that of Wetzlar is, that whereas in the latter only one-fortieth part of the properties ranged in size above 20 acres, here one-seventh thus range, and in the country more than one-sixth thus range. The second remark is, that the team-requiring farms of 16 acres and more, have considerably increased since 1816. Yet these lands have been for several centuries subject to the equal division on inheritance of land. The reason is probably, that a greater prosperity has attended the freer agriculture of the department, and that this prosperity has been produced by more favourable conditions of soil, climate, and position, as well as by other causes arising out of the diligence and forecast of the peasantry, by the land improvement, and by the absence of the system of field compulsion. The very prudent marriages of the children have restored the family equilibrium, disturbed by their births; and the careful economy of all has enabled many families not only to hold undiminished, but even to increase, their paternal acres. The small industry of the department cannot be credited with any important share in this result.

Lastly, it will be noticed, that the distribution of property is of such a nature as to allow to the smaller peasant proprietor the opportunity of watching the results of innovations on the larger farms, and of profiting by them.

Land in Altengottern.

64. With regard to Altengottern, in which village there is not a house without land, other than a garden, belonging to it, the distribution of property follows in the main the description of the department. But the team-requiring farms have diminished by as many as one-sixth since 1816. It is one of the few villages of the department in which an increase has not taken place in the number of the farms. I could obtain no satisfactory reason for the diminution, except the usual working of the custom of equal division of land. It is curious to note, that in the adjoining village of Grossengottern, the team-requiring farms had increased in number by 10 per cent., and in acreage by 45 per cent.

(γ.)—*Its Agriculture.*

Advantages of Department.

65. The department of Langensalza has, in the three essentials of agriculture—climate, soil, and position—some advantages over the department of Wetzlar. It has also advantages from the land improvements effected, and from the earlier opening out of its land by turnpike-roads; from the extinction of commons, and from the compulsory consolidation of intersected lands; and also from the improved system of agriculture. The consolidation has produced a higher kind of cultivation, and consequently increased the value of the land. It has thus benefited the peasant; but it has also benefited the State, for it has enlarged the basis of taxation, and increased the security for the taxes. Moreover, the smaller peasant proprietor have in this department the opportunity, from the existence usually of several large proprietors in each district, of observing any improvements introduced, and the subsequent results obtained by them.

Former and existing disadvantages.

66. As will have been seen, from the statistics in paragraph 60, the department is almost bare of forest, and chiefly appropriated to tillage. The existing woods are only on elevated spots, and a tree is, off the turnpike-road, or outside the village, rarer on the undulating crop-bearing area of Langensalza, than it is on the undulating grass-bearing territory of the Banda Oriental. The absence of woods has doubtless helped to increase the mischievous floodings of the rivers. The higher land was washed down, and the lower land was raised. Man's ditches disappeared, and the water dug its own ditches. Hence, harvests were lost in autumn, and swamps remained far into the summer, if not all the year round. All this has been for the most part changed. In 1860 a compulsory association was formed for the regulation of the upper part of the River Unstrut, and its area of operations included this department. The benefit derived from this improvement has been very great along the ten English miles of the Unstrut, which were regulated together with the subsidiary streams.

System of cultivation.

The three-field system of cultivation is still to be found in a few isolated spots—on spurs of the Eichsfeld—but will soon have disappeared. In the plain, and in the greater

part of the remainder of the department, a free system of cultivation obtains, of which the character is in some parts determined by the proximity of Erfurt, the great central market for commercial plants and vegetables. The large farms have also five, or six, or seven, or eight courses of shifts, and give more and more attention to forage crops, and to suitable rotations. Even where the peasant farms do not deviate much from the three-field system, they employ either four courses, or the three-field with occupied fallow. Hoed crops are becoming general, and a better working of the ground follows as a matter of course. Horses are used for farm work. But in the quite small farms cows can alone be used for ploughing, and other farm work. Improved implements are to be seen; but much yet remains to be done. Steam threshing-machines have been purchased, and the whim threshing-machines are much employed. Manure is often well managed, and earth and gypsum often scattered over it to retain the ammoniac liquids. Manure-water is not always allowed to run away. Stall-feeding prevails. Guano is too dear for employment. Marl is not to be found in the neighbourhood. Gypsum is used on clover.

Taking the department as a whole, the crops are thus distributed on an average of years:

	Per cent.
Winter crops (wheat and rye)	25
Summer „ (barley and oats)	20
Pulse „ (pease and beans)	7
Potatoes	3
Roots	1
Meadows, clover and other forage crops	20
Oil and spinnings plants	4
Fallow and pasturage	20
	100

The cattle are not always fully fed. Horned cattle are very seldom, sheep rarely, but pigs generally, fattened for slaughter.

Agriculture of Altengottern.

67. Altengottern is one of the most advanced villages in agriculture, and one of the best situated. It also grows mustard, aniseed, and other commercial plants. It has largely profited by the regulation of the Unstrut; and its lands, though devoid of shelter from any woods, are well placed. The pasturages have disappeared since the regulation of the river and the extinction of commons. Plough land is more profitable. The quite small peasants employ spade husbandry with great success. The lands of the peasant proprietors were in good condition. No amount of labour in spudding out weeds is spared. On the whole the land of the smaller proprietors was cleaner and more carefully tilled than the land of the larger proprietors. The ploughing seemed always to be shallow. Drill machines are almost universally used. Finally, it should be remarked that the soil is a very good loam in most parts of the lands, and the depth of staple soil is very favourable.

Advantages of consolidation.

68. It is less easy to describe than to see the advantages, which the consolidation of numerous parcels into compact holdings has conferred upon the agriculture of a village like Altengottern. A glance at the plan of what the subdivision of land formerly was and what the division of land now is, is sufficient to obtain an idea of those advantages. But plans cannot be reproduced in this report, and the various references herein to those advantages in general must suffice. The laying out of useful accommodation ways, and the bringing numerous parcels into two or three compact holdings of serviceable shape are amongst the chief of them. The peasant proprietor can now usually enter his property from one of two accommodation ways. It is thus clear that the disadvantages of the opposite state of things, such as exists in Wetzlar, have been entirely removed; and hence agriculture has a freer field to flourish in. The peasant proprietors are in a position to obtain, without waste, full returns from their land; and, as the reward of intelligence and diligence can be fully reaped, each peasant is spurred to the fullest exercise of those qualities. With scarcely a dissentient voice the peasantry of Altengottern praise the consolidation and its results. As the plans do not accompany the report, it may be remarked that the land in such cases of consolidation is laid out as far as practicable in square portions along parallel accommodation ways in order to obtain the greatest advantage. It would give much pleasure to many an intelligent agriculturist of England to notice how very little waste of agricultural power is caused by the outward arrangement of such consolidated lands as those of Altengottern. It would scarcely give him as much pleasure to notice that, excepting in the village, and in addition to a clump of trees near a pond, there is throughout the 4,879 acres only "*The* lime tree." The absence of hedges and trees too makes the prospect in winter rather bare.

(δ.)—*Its Industry.*

69. Under this heading there is little to be said. The statistics in the (*a*) section have shown how predominant agriculture is. The industry consists of three wool-spinning and one cloth-making establishments, employing 647 working people, besides two small manufacturing establishments. There are some 200 hand looms (besides 300 in household employment) worked in the department by 143 masters and 39 apprentices and assistants for weaving linen and cotton and half wool tissues. The various other industries, either connected with the above manufacturing industry or with agriculture, employ some 300 working people. There is only one small distillery, but as soon as the new railway from Gotha through the department to Mülhausen is opened, the farmers expect to see distilleries established to the advantage and profit of agriculture. But in this they may meet with disappointment, for it is by no means certain that, even if established, distilleries would render the position of agriculture better. Some reckon too upon the introduction of the beetroot sugar industry into the southern part of the province. But it is not clear that the soil is of such a quality as to enable the beetroots to compete with those of the northern part.

It is obvious from these few remarks that the manufacturing industry of Langensalza has very little influence upon its agriculture.

As regards Altengottern, there is no manufacturing industry nearer than Langensalza itself. The only agricultural industry is a small flour and oil mill, with eleven inhabitants, outside the village on the Unstrut.

(ε.)—*Its Population.*

70. It will be best to commence this section by a sketch of the village of Altengottern, and then to add a few remarks respecting the department in general.

Altengottern. Changing lands

Altengottern includes two large privileged estates farmed by their owners, one large estate farmed by a tenant on long lease of twenty-four years, and the peasant properties, which consist of the so-called changing lands; the property of the communalty, incumbents, churches and schools. This latter kind of property is usually let, mostly in small portions. The large portions are on twelve years' lease, and the smaller sometimes on six years. But most of the tenants of such lands are the peasant proprietors themselves. There cannot be said to be any class of agricultural tenants. Neither does a large agricultural tenant prefer to remain a tenant. He becomes an owner as soon as he can. It does not appear that there is any striking difference between the farming of the large agricultural tenant and the larger proprietary farms of the village. He does not appear to farm higher or to lay out more circulating capital, than proprietors of a similar area. As regards the smaller tenants there is no perceptible difference. As peasant proprietor they farm the owned and hired land alike, but the latter with less care for the future. As real tenants they endeavour to obtain the largest returns within the period of the lease, and to leave the smallest possible value for the owner. In a long series of years the self-farmed land of an owner is in much better condition than the land leased to tenants, certainly for twelve years, and even for eighteen years. Unless there be a security for renewal, equal to the security of ownership, there will always be in the longest leases a period when the land will be badly treated. The State is giving up leases of twelve years and even of eighteen years. Minute restrictions on the freedom of farming are clumsy expedients for preventing this deterioration, and hence the leases of Prussia generally allow freedom of farming. In Altengottern there seemed to be no tenant on free alienable land.

Day labourers.

71. But if there be no class of agricultural tenants renting land from large landowners still less is there any class of mere day labourers. They are nearly all landowners, and take work as day labourers in greater or lesser quantity, according to their needs. Their usual diet is not as good as that mentioned in paragraph 85 of Part III for the Province of Saxony but they have their meat twice a-week. It has been calculated that a labourer's family must spend in this part of the province yearly, according to its size, from 13*l.* to 20*l.* in food, firing, clothing, direct taxes, rooms, and other necessaries. If the men receive 1*s.* without board a-day and the women 9*d.* the wage is high. But he does not, of course, work every day for wage. These wages are double what they used to be twenty years ago. The artizans of Langensalza itself earn, on an average, double the day wage of the agricultural labourer.

Peasant proprietors

72. The quite small peasant proprietors, although they be not day labourers, do not live any better than the latter. Even the more independent peasants live in the plainest manner, although they usually have meat daily. They certainly lose nothing by any superfluity of diet. The general position of the proprietary peasantry is considered to be prosperous ("wohlhabend"). Their greater prosperity since the operation of the National

Agriculture Legislation and the regulation of the Unstrut does not diminish their usual economy; and hence the formerly independent peasants are laying by large sums, and the formerly dependent peasants have become independent. This prosperity may be further increased by the railroad. Hence, if further division of property in land should take place the increased prosperity may counteract its influence, or, more accurately speaking, would enable it to take place, for a time, without diminishing the number of independent families. This number is now considerable. As in the province of Saxony generally, so in Altengottern; it is the middle proprietors who constitute the important part of the economy. This has already been seen in respect of the department of Langensalza by the statistics of the (*a*) section, and it is regrettable that it is not possible to place this in figures also for Altengottern. It is also regrettable that it is not possible to set forth the distribution of property fifty years ago, and consequently to compare with it the present distribution.

sults of division land.

But, as in the case of Wetzlar, the precautionary statement must be made that the present distribution has not replaced a distribution into large properties. Possibly the quite small properties of the day labourers are proportionately more numerous than formerly. But if centuries do not suffice to create a greater proportion of such properties than now exist in Altengottern and such villages, it may be doubted that the free and equal division of lands produces as many evils as is often supposed. When one sees that a long succession of such division, accompanied also by minute subdivision and wide dispersion of the portions of each property has failed to reduce the population of such a community as Altengottern to misery, the doubt arises as to whether, in a district always subject to such a custom, the distribution at the end of one century, or even of half a century, is, *cæteris paribus*, essentially different from the distribution at the beginning. Such a comparison would be interesting; and if at any time I find an opportunity of instituting one, I shall avail myself of it. It does not seem to be even true that the families change much in such a village. The inhabitants are, for the most part, descendants through many generations of former inhabitants.

But if the facts as regarding such populations as that of Altengottern seem to warrant the inference that equal division of land, as distinguished from equal subdivision of each portion of land which is evidently most prejudicial, does not necessarily, after centuries of operation, produce pauperism or great poverty unless extraneous causes of adversity operate, it is only fair to enumerate, in respect of Altengottern, the various extraneous causes of prosperity which may have aided in reducing to a minimum the alleged evils of equal division of land. The population, although it consisted of freemen and not of serfs, was, before the Stein Hardenberg Legislation, subject to real charges and services. These have since been commuted, and the commutation which is now paid off, has no doubt aided them to become more prosperous. Then the already-mentioned extinction of commons, consolidation of lands and regulation of the Unstrût must be remembered as aiding them to become prosperous. The full effect of the last three causes of prosperity has not yet been felt. They have had little to do with the maintenance of a favourable condition of the proprietary peasantry during this half century and nothing during previous centuries. War must, however, be mentioned as having had an influence, but this influence would be difficult to estimate. No doubt it would act in two ways; adversely, inasmuch as it would destroy accumulated labour, and prosperously (afterwards for the survivors) inasmuch as it would have thinned the population. Where equal division of property in land obtains, the latter would probably do more to counteract extreme distribution than the former would do to plunge the population into misery. It may astonish some readers to observe that the influence of war is mentioned as an influence to be taken into account. Whatever evils isolated England may have suffered from war she has not suffered from fire and sword carried into her homesteads. In Germany, on the contrary, whole villages have thus disappeared, and the devastation of others has been terrible. If, therefore, the results during centuries of the operation of a law or custom in respect of land be calculated, war must enter as one of the factors. It may be considered that in such villages as Altengottern the nett result of equal division of land under favourable circumstances may be seen, and in such villages as the one near Wetzlar the nett result of equal division of land under unfavourable circumstances may be seen. The population in the former case are prosperous, and the middle peasantry are numerous; the population in the latter case are barely able to keep their own, and the middle peasantry are relatively little numerous.

nimum land for easant family.

73. It is important to ascertain what is the minimum quantity of land which will enable a peasant proprietor to maintain his family. In Altengottern a minimum of 6 acres will suffice. With regard to farm work, a small proprietor who has only one cow will arrange with a neighbour who has also only one cow, to use the cows together for ploughing and other work. The usefulness of small parcels in Altengottern is this, that it preserves the village from the presence of a labouring class separated from the land.

Consequently, too, a case of a soldier not returning after service to resume his village life, is very rare. They all come back, and never emigrate. The land is firmly held, and whatever does come into the market is bought by the peasants themselves. In the neighbouring village of Grossengottern a large privileged estate was dismembered and sold in small portions. It was, so far as I could learn, purchased by the peasants. The average price per acre was 56*l.*, which, compared with the prices of 15*l.* to 36*l.*, taken from the mortgage-books, shows how untrustworthy (from a desire to diminish the law costs) such prices are. But there is also a reason for the high price of 50*l.*, viz., that the purchasers formed themselves into an association, and under a joint guarantee undertook to pay the purchase-money in instalments over eight years. For the railway, land in the neighbourhood has been sold at 90*l.* an acre. Little land in market.

74. Marriage is a partnership between persons entitled to the same amount of land, or thereabouts. So long, therefore, as two children only succeed to the parents' land, the family maintains its position. If there are more children and the parents are able to save in proportion, the same result is attained. These are two types of cases, which frequently occur, and evidently materially aid in preventing a prejudicial result from the equal division on inheritance of property in land. It is very seldom that a family is obliged from reduced circumstances to leave the village. Neither is there any permament pauperism. Hence it may be inferred that deviations from the two typical cases are comparatively rare. There is a small house for paupers. In 1863 there were six inmates, at a cost of 3*l.* 15*s.* only to the poor-funds, from which 10*l.* were also distributed to poor persons, and 30*s.* for tending the sick. The communalty paid another 30*s.* for the paupers, so that pauperism only cost 17*l.* 5*s.* to the village. At present it is much less. There were only twenty poor school-children in the village. The cost of their schooling should be added. Marriage. Poor.

There are, consequently, very few peasants in deep poverty. The land of orphans is tilled by kind neighbours in the absence of relations, and not unfrequently poor orphans are adopted. The villagers have very few debts; on the contrary, the majority are accumulating money, which they invest in mortgages and lend on personal security, and rarely hide in stockings and mattrasses.

If Altengottern is rich in schools, it is also well provided with the means of social amusement. It has two dancing rooms, and in the neighbouring village a small *café chantant*. Dancing is a frequent amusement, and is looked upon as a necessary recreation. In this respect such a village shows a conformity of spirit with the Rhenish peasantry; and, on the other hand, differs in its public opinion from a characteristic village of Westphalia The recreation of a reading-room does not seem to be known or appreciated. The peasants do not read much, seldom have books other than their church books, and only subscribe to one or two weekly journals. At the inn they read the daily journals, and learn the news of the day, and spend their leisure time in conversation. The inn seems to form a kind of club for them, in which, however, they abstain from the excesses formerly too common to the English agricultural population. The peasant's ideas are rather restricted. Beyond his own immediate sphere he knows little, and at present he seldom sets a value on education for his children in addition to the compulsory primary instruction which they obtain. Even in politics he has few ideas, but those few are happily the reverse of social democracy. In religion he is usually liberal minded, and thinks that it matters little whether one be born and remain Roman Catholic or Protestant. He echoes the sentiment of the former King of his country, Frederic the Great, who considered that each man's religion should be equal before the State. He is certainly an independent member of the community however little may be his stake in the land, and needs no paternal protection. But his independence is in no wise obstructive to the descendants of the former lords, whereas, in his dependence his interests and the lord's were opposed, and unpleasant relations were the result. Now the relations are agreeable, and the natural influence of the gentleman land-owner has a clear field, and is consequently very great. There is little doubt that Prussian subjects have been overgoverned. From this fact arises the want of initiative which almost universally characterizes the peasantry. They are in most things helpless, and require to be made to move. The new system has not yet had time enough to make a change in this respect. It is, however, doubtful that even in this respect they compare unfavourably with the peasantry of other lands. The intelligence and intellectual initiative of the peasant must not be judged by some arbitrary standard of excellence. Other things being equal, is the Prussian proprietary peasant more wanting in in these respects than the English tenant farming peasant? In a comparison of the system of agricultural tenants and peasant proprietors, the Prussian peasant must be judged by comparison not by an arbitrary standard. Their social good qualities are many. They are industrious, prudent, economical, honest and sober-minded. Their morality is high, and cases of illegitimate births are rare. Amusements. Restricted politics and other ideas.

In stating there was no pauperism, the facts that ragged clothing is not to be seen, Clothing.

Houses.

and that houses out of repair are not to be met with, are also stated. The peasantry dress plainly, but always respectably. The houses are kept in good order. They have not any superfluity of space; and even the owner of fifty acres has a house in which the living room is also a sleeping room, and the furniture is only just the necessary furniture, with a cane couch and a spinning-wheel.

Soldiers.

Such villages as Altengottern provide the best and the most soldiers. The villages of the proprietary peasantry are usually admitted to be the great nurseries for the army. It is considered too in Altengottern, that the temporary withdrawal of labourers for military service does not do much harm to agriculture. There are numerous proofs that the peasants who have been soldiers have been much improved by passing through the service, and that they help to raise the standard of their villages when they return. The benefit conferred by the military system in this respect is very considerable. The advantage to the man himself does not appear to bring him any pecuniary reward, but gives him a preference over others, which is valuable.

Population of Department.

75. With regard to the department, this description will apply to many villages, some of which are in a better position than Altengottern, but will not apply in its entirety to other villages on the higher land with unfavourable soils. There, in spite of the same industry and economy, poverty is scarcely warded off from the village. One may go through such a village, and may remark that in this house there are no children, in the next only two children; in that house one child, in the next none at all, and so on, and may inwardly note the fact that the clinging to the land has produced this exceeding great prudence and forecast in marriage. Yet such a village may require only a small additional weight in the scale to destroy the equilibrium so carefully kept. This, however, is an exceptional case, which is, happily, rare. Its rarity may be inferred also from the fact that the poor persons, freed from taxes because of their poverty, are only about 3 per cent. of the population, and have diminished since 1859. Such poor persons are about 5 per cent. of the urban population, and only 1½ per cent. of the rural population. The children, who form more than one-third of the number, are included.

In conclusion, it is very remarkable that even in a town like Langensalza, where manufacture has no extended influence, the small manufacturing class is distinguishable from the agricultural class by its want of prudence and economy. They spend freely when they earn well, and they are plunged into poverty when they earn badly. They hastily marry, regardless of consequences; whereas the peasantry prudently marry, with a careful regard for results.

(ζ.)—*General Observations.*

76. It requires few remarks to complete the summary of notes and observations in respect of this department. The condition of the department shows strikingly the beneficial results of the part of the National Agriculture Legislation relating to extinction of commons and to consolidation of intersected lands. It manifests not less strikingly the phenomenon of a landed peasantry prospering after the influence during centuries of free alienation of land, and of equal division on inheritance of land. It seems also to warrant the inference that a proprietary peasant is, by the fact of possession of the land, rendered exceedingly prudent and foreseeing, and is instinctively impelled by the interests of the family to manifest an unconscious observance of the economic law which restricts the population of a given district to the number which can be sustained by the produce of that district. He contributes his mite of experience to show that mere increase of population is not necessarily wealth, and that a stationary population may be a sign of constant care and comfort, and the result of careful preservation of property; whereas an increasing population may be a sign of fluctuating means, and the result of careless dispersion of property.

arms in villages.

As to grouping the farmers in villages, which is prevalent here as in a great part of Prussia, it may be observed that they themselves do not think it disadvantageous. A middle peasant proprietor may frequently have to walk a couple of English miles or more to his field, and to take the implements to and fro. This is evidently a loss of time and a waste of labour. But the arrangement cannot now be altered, and it is difficult to see how it could be advantageously changed. The village life may cause greater sociability in the peasant proprietors, but it may also help to confirm each in his individual life of little movement.

aw of indefeasible heritance.

87. As to the influence of the law of indefeasible inheritance, it is not required, for no peasant proprietor ever thinks of restricting the inheritance of a child to the legal minimum. All children inherit equally, whether or not they have remained on the farm. In connection with inheritance there is a curious custom beyond the Prussian frontier in a Saxon district. The peasant proprietor's daughter gets the farm, and the son must obtain another by marriage!

(e.)—*Department of Mülhausen.*

78. This department adjoins the department of Langensalza on the north and includes a part of the Eichsfeld plateau, which has an average height of 1,000 feet above the sea level. Mülhausen itself lies much higher than Langensalza and Altengottern. But it is not necessary in this or any other case to enter into any physiographical details.

(a.)—*Statistics.*

79. The area is rather over 8 square geographical miles. The population has increased since 1793 by 41 per cent., and from 47,000 in 1858 to 50,000 in 1864, showing a density of 50 per cent., which is greater than that of the Province. The rural population is double the urban, which is chiefly in Mulhausen itself. Area. Population.

The importance of each of the chief occupations of the population can be seen from the following figures:— Occupations.

Persons occupied in agriculture solely or mainly	1,538
Ditto auxiliary	1,389
Ditto as agents, labourers	3,072
	5,999
With relatives and dependents	15,000
Total	20,999

In industry there were 8,039, and in commerce 2,407 persons occupied in 1861.

In 1859 to 1864 an annual average of eighty-eight persons emigrated, of whom one-half proceeded to North America. The immigration reached only fifteen a year. The births exceed the deaths (in 1863 by 112) and the excess seems to be increasing. The illegitimate births are decreasing in the country but increasing in the town in absolute number. In the former the proportion is 1 in 20, in the latter 1 in 10. The number of inhabitants per house varies from 4·75 to 8·48, and the average is 6·52. Emigration. Births.

80. The department contains the following quantities of each kind of land:— Kinds of land.

	Acres.		Acres.
Tillage	77,085	Waste and barren land	69
Garden land	1,216	Roads, &c.	2,946
Meadows	3,265	Rivers, &c.	870
Pasturages	4,268	Sites, yards, &c.	1,533
Forests	27,010	Total	118,262

In 1859 the distribution of property in land was as follows:— Distribution of property.

Of 400 acres and more	23	properties, with about	23,000 acres.
200 to 400 acres	14	„ „	4,000 „
20 to 200 „	959	„ „	45,000 „
$3\frac{1}{2}$ to 20 „	2,816	„ „	32,000 „
Less than $3\frac{1}{2}$ acres	5,407	„ „	14,500 „
	9,219		

Among 23 over 400 acres are the property of the town Mulhausen of 8,900 acres, (chiefly forest), the State forests of 3,160 acres, a privileged estate of 2,030 acres subject to primogeniture, another privileged estate subject to feudal descent, and an estate in *fidei commissum*. All other properties, except the estates of the various communalties are freely alienable.

The paupers numbered annually 348 adults and 310 children, and cost 550*l.* to the poor funds. The education of poor school children in the town cost about 630*l.* for 570 free children and for 670 admitted at reduced fees. Paupers.

The population compares well with other populations in respect of observance of the law.

The direct taxation of which the incidence is about 5*s.* per head produced the following returns in 1864:— Taxation.

	£
Land tax	4,740
Income tax	900
Class tax	4,490
Industrial tax	2,100
	£12,230

The industrial tax has increased and the class tax diminished since 1859. Only 142 persons (of whom 111 in the towns) paid income-tax. The class tax was paid by 12,514 persons at 1*s.* 6*d.*, 544 at 3*s.*, 1,998 at 6*s.*, 878 at 9*s.*, and by 2,129 at the higher rates. Of the industrial tax 790*l.* were paid by the pedlars.

attle

The number of cattle of all kinds is as follows :—

	1858.	1861.	1864.
Horses	2,354	2,470	2,775
Cattle	8,463	9,027	10,030
Sheep	26,858	35,501	38,104
Pigs	7,817	7,638	11,579
Goats	2,574	4,215	4,169

(β.)—*The Division and Subdivision of Land.*

ubdivision of nd.

81. I am unable to put the subdivision of the land into figures. The plans for its consolidation are being prepared, but many difficulties have been encountered, and a few have not yet yet been surmounted. The department is therefore still suffering from the evils of minute subdivision of property into parcels. and of rights of common. In these respects it forms a striking contrast to the neighbouring department of Langensalza. The subdivision is great, though the parcels have not attained the exceedingly large number and minute size of those in Altengottern of old. There are, however, meadow parcels, in which one sweep with the scythe mows the whole width ; and tillage parcels, in which two or three furrowings by the plough complete the width ; and forest parcels, in which 10 paces compass the width. In each of these cases the strip may be half an English mile long. The custom is here, as elsewhere, to subdivide on inheritance each portion of land, instead of dividing equally the inheritance of land. There is, however, no possibility of changing this old traditional custom. Public opinion alone may, in a long course of years, change it.

Division of land.

82. The division of land into property is not quite as favourable as in Langensalza. There one-seventh of the properties are larger, here scarcely one-eighth are larger, than 20 acres. But this difference is slight, if the more unfavourable conditions of Mulhausen, as hereinafter mentioned, are considered. There is a greater difference in the distribution of properties under 20 acres. There an equal number of properties, from $3\frac{1}{2}$ to 20 and under $3\frac{1}{2}$ acres, is found, but here one-third only are of from $3\frac{1}{2}$ to 20 acres, and the remaining two-thirds are under $3\frac{1}{2}$ acres. Thus the very small properties are twice as many as the small properties. The fact that Mulhausen is a large manufacturing town of 17,000 inhabitants, and that Langensalza is a small and mainly agricultural town of 4,500, will account for much of this difference, inasmuch as a larger manufacturing town renders necessary, without corresponding disadvantage, a more extended division of the land than can advantageously prevail near small country towns. If, too, the industrial history of Mülhausen, as hereinafter noticed, be considered, the difference in respect of the distribution of property under 20 acres ceases to be so astonishing.

On the contrary, it is rather astonishing to find that the middle proprietors have held their own so well. Thus the team-requiring farms had increased in 1859 by 87, or 12·18, over the number in 1816. The 782 such farms, in 1859, contained 28,381 acres, and the 4,539 non-team-requiring farms contained 23,881 acres. Many of the non-team-requiring farms would be of a sufficient size to maintain the family of the owner, but the statistics do not furnish sufficient data for separating them from the others, It will also be remembered that the lands of the peasants here, as in Langensalza, have been for ages the so-called "Changing Lands," subject to the freest alienation and movement.

Movement of properties in ten years.

It will not be without interest to subjoin the following Table, showing the movement in number and area of the various sized properties, from 1849 to 1858, in triennial periods.

Years.	Agricultural and Forest Properties yielding a return.										Number of Properties.	Total area of the Properties.
	Of 400 acres.		Of 200 to 400 acres.		Of 20 to 200 acres.		Of $3\frac{1}{2}$ to 20 acres.		Of less than $3\frac{1}{2}$ acres.			
	No.	Area.	No.	Area.	No.	Area.	No.	Area.	No.	Area.		
		Acres.		Acres.		Acres.		Acres.		Acres.		Acres.
1849	18	..	8	..	859	..	2,510	..	3,922	..	7,317	98,011
1852	22	23,392	12	3,400	865	37,015	2,734	28,889	4,111	6,525	7,744	99,221
1855	21	22,949	13	3,828	900	37,286	2,693	28,429	4,825	7,011	8,452	99,503
1858	23	24,525	14	4,080	959	37,328	2,861	25,336	5,407	7,400	9,218	98,669

As the total areas differ, it may be assumed that the counting has not been quite accurate.

It will be observed that the properties under 3½ acres have continally increased in number and area, but in a less degree in area, so that the average size is diminishing. The increase in number is rather over 10 per cent. every 3 years. There were, however, some inaccuracies in the counting, so that this increase cannot be practically assumed to be true. It will also be seen that the large properties over 400 acres have increased in number more than in area; the properties from 200 to 400 acres have nearly doubled, whilst adding only 20 per cent. to their area; the properties from 20 to 200 acres have increased one-tenth in value, but not at all in area; and that the properties of 3½ to 20 acres have likewise increased one-tenth in number, but diminished in area. It is these latter which disappear to increase the quite small holdings on the one hand, and the larger properties on the other hand. On the whole, therefore, the properties over 20 acres are gaining in area upon those under 20 acres, at the expense of the properties from 3½ to 20 acres, and probably of the smaller of such properties, inasmuch as they do not suffice to maintain a peasaut proprietor's family by agriculture alone. The bond of attachment to the land is in these cases not so strong, and the property is more rapidly sold. Moreover, in such cases, the custom of equal division on inheritance must have a greater influence in destroying the unity of the property than in the case of larger properties, where savings and consequent acquirement of land may restore the balance destroyed by the equal division on inheritance.

(γ).—*Its Agriculture.*

Natural disadvantages.

83. The climate is raw from various causes, such as elevated position, propinquity of Hartz Mountains, and absence of protecting forests. In some parts even the cultivation of rye is endangered. In few places can barley be grown. The soil is exceedingly varied, and, on the whole, is less favourable than the soil of the department of Langensalza. This unfavourable difference consists chiefly in the greater quantity of loamy soil on the higher lands of Langensalza, and of clayey loam on the higher lands of Mulhausen. But each department has about the same per-centage of loam and loam passing into clay, both taken together. For the land tax assessment it was found necessary to divide the department into two districts of classification. That of the Eichsfeld, with 66,200 acres, only yields in net returns for the assessment land tax 15,000*l.*; whereas that of the Werra and Unstrut valley, with only 52,000 acres, yields 28,700*l.*, or nearly twice as much. In the first district there are 2,500 acres in the first class, with a nett return of 1*l.* 12*s.* per acre; but in the second district only 64 acres, with a nett return of only 1*l.* 5*s.* per acre.

Artificial disadvantages.

To these natural disadvantages of agriculture are added the prejudicial influence in some parts of the field compulsion, and nearly everywhere of existing rights of common, and also of minute subdivision of the properties into parcels.

Cultivation.

The three-field system is yet the rule with winter corn, summer corn or clover, and bare fallow. But the four-field often occurs with fallow, winter corn, clover, and again clover, or, instead of second clover, a grain crop and a green crop alternately. A mixture of wheat and rye is often used, especially in the Eichsfeld. On the few large properties there has been for many years, but only partially, a seven or nine course of shift. In the small properties freed from common and field compulsion and intersected lands the three-field system is fast disappearing. Pulse crops succeed well anywhere, and tares are usually sown with oats whenever a crop of them is desired. The demand is greater than the supply for exportation, and hence prices are good for corn of all kinds.

The following Table shows the gross produce:—

Year.	Wheat.	Rye.	Barley.	Oats.	Pease.	Rape.	Potatoes.	Hay.	Flax.
	Bushels.	Bushels.	Bushels.	Bushels.	Bushels	Bushels.	Bushels.	Cwts.	Cwts.
1860 ..	22½	18	20	36	13½	18	90	30	2¼
1861 ..	13½	22½	18	34	13½	25	108	30	3
1862 ..	11	21	16½	34	7	25	82	27	3
1863 ..	25	29	22½	36	7	25	147	28	2¼

The meadows are wet, and often swamps, and require much improvement. Stall-feeding has been introduced nearly everywhere. Some improved implements, especially drill machines, have appeared. In conclusion, it must be observed that the system of cultivation is advancing, and that bare fallow is disappearing.

(δ).—*Its Industry.*

Textile industry.

84. Manufacturing industry is of much more importance in this department than in Langensalza, as will have been seen from the figures in the preceding section. There are, chiefly in the town, 19 spinning mills with nearly 25,000 spindles, employing some 600 persons. There are also some 400 persons employed in the country in spinning combed yarns. In weaving there are for cotton and half-cotton tissues 943 looms worked by 969 persons; for linen tissues, 98 looms worked by 103 persons; and for woollen and half woollen tissues, 699 looms worked by 702 persons. There are in addition 200 looms worked as auxiliary occupation. Similarly there are for woollen and half woollen goods 6 establishments with 10 power and 203 hand looms employing 226 persons. The other industrial establishments are of much less importance. But the tanning industry deserves mention. Building stone is quarried, and clay is made into tiles and other wares. There are lastly the usual agricultural industries in about the usual proportion. The breweries have considerably increased in importance. The spinning mills have considerably increased since 1837, when there were only 4 with 1,270 spindles. It is said that the spindles have doubled since 1861. The spinning of combed yarns is a winter industry. This has diminished enormously during the last twenty years. Hand carding of wool was till fifteen years ago the chief occupation of the greater number of the men of the Eichsfeld district. The invention of machines has caused its annihilation. Several thousand persons were thus deprived of their accustomed occupation, and have mostly adopted weaving.

Other industries.

Former industries.

Neither the industrial schools nor the commerce of the department is within the scope of this report.

(ε.)—*Its Population.*

85. It is purposed to regard the agricultural population alone before looking at the industrial population and the combination of both classes. But it must be remembered that nearly the entire rural population is engaged, in however small a degree as regards many, in agriculture. It is estimated that three-fifths of the inhabitants of this department, or about 30,000 persons, are thus occupied in cultivatian of the ground. The difference between the estimate and the figures of 1861 arises from the exclusion in the latter of the numerous persons who emigrate for half the year, and also of many owners who have a small trade and cultivate the land by their families.

Tenants.

There is not only no class of tenants, but the agricultural tenants (64) are as few as in the department of Langensalza, and those (only 18) solely occupied in agriculture are fewer. Leases for twelve and eighteen years are customary, but the small properties are sometimes let for six years only, and plots near the town are now and then let for three years. The leased lands are usually lands not freely alienable. One exception of, however, comparatively rare occurrence seems to be, that a small peasant proprietor, who resolves to temporarily emigrate for a few years, prefers letting his small property to selling it. If he do not let it, he allows it to lie fallow, which is less beneficial to the community. There is also the exception arising from a gentleman proprietor farming one of his estates and letting his other estates.

Day labourer.

86. The day labourer is seldom without his small holding of land. In the town of Mülhausen his wage is from 1*s.* 3*d.* to 1*s.* 6*d.* a day without board, and in the country 9*d.* to 1*s.* The wages of the female labourers are one-fifth or one-sixth less. All wages have much risen within the last score of years. It is reckoned that one agricultural labourer must expend for his family from 15*l.* to 20*l.* a year, according to its size. But in places where the majority of agricultural labourers are not solely employed in agriculture, but have looms or some other industry, or make annual migrations, the expenditure for a family is from 50*s.* to 60*s.* a year less. On the other hand, it is much more in the town of Mülhausen, where the labourer of all kinds must on the average expend from 20*l.* to 30*l.* for the same purpose. This difference is no doubt owing in a great measure to the influence of the manufacturing industry.

Peasant proprietors.

87. With regard to the peasant proprietors it is to be noticed that, although the middle proprietors have maintained themselves, the smaller proprietors do not prosper. The pauperism publicly relieved is not much greater than in other agricultural departments but the poverty is greater. There are whole villages in very straitened circumstances. One immediate cause of this has been the annihilation of the wool-carding by hand which formerly maintained some 30,000 persons. In villages where no other industry has to some extent replaced the former industry, and even where it has, the inhabitants are in much distress. They possess, either by their own work or by inheritance, bodies weakened by the exercise of a noxious industry like the wool-carding, and are consequently unfitted to do field labour. Moreover, the existence of the former industry brought about a density

of population out of proportion to the local returns of agriculture. Hence, as soon as the industry ceased the excessive population fell into deep poverty. It is probably from the fact of its cessation without any industry immediately replacing it that the Eichsfeld custom of annual migration has arisen. Every year a large number of the peasants emigrate to the beet-root district in the north of the Province to work on the beet-root farms, and return home at the end of the beet-root season. It is mainly the men and youths of both sexes who thus annually migrate. Consequently the ties of family are loosened, homely habits are lost, and often steadiness of character disappears. And then the emigrants very frequently return after this six to eight months' migration with little or nothing saved for the winter. If, as is often the case, these annual emigrants are proprietors of land, the wife, who is left behind, does the best she can with the aid of the children, but the land is often badly tilled. The evils of this annual migration are many, and the authorities would be glad to stop it. It is rendered as difficult as possible; but a change in the economical position of the department will alone cause it to cease. If agriculture could be so practised as to require more labour, and if the manufacturing industry were to yet increase so as to find employment for surplus hands, this annual migration would cease. But as regards agriculture there is seemingly no hope from the possibility of extending its area, for during the late decades of this century there has been no important addition of arable land. and hence the probability is that the available area is already under cultivation. Relief will to some extent be obtained on the extinction of commons and the consolidation of intersected lands and on the consequent cessation of the antiquated system of cultivation with field compulsion in favour of an enlightened rotation of crops, for these will increase the returns from agriculture, and render a more intensified system of cultivation possible. It is obvious that the migration would not take place except to obtain advantages, even though many may return with very little or no savings. The advantages are a higher wage, a more independent life, and easier labour. As it is stated that from 500 to 800 persons could in some of the villages from which this migration takes place have found continuous employment, it would appear that it is not merely want of labour that causes the migration in every instance. As it further appears that sometimes labourers not of the department enter it to take such vacant labour, a little rise in the current wages may tend to check the migration. But at the same time a habit once formed is not easily cast aside, and hence it may be that, until the advantages of staying at home are considerably better than the advantages of such an annual migration, the habitual emigrant will wander out. To the individual, therefore, the advantages outweigh the disadvantages. But it may be doubted that as regards the State the advantages to the pockets of the individual outweigh the disadvantages to his steadiness of character and his home life. One fact is, however, clear, that although they enable the individual to lead a less indigent life, the aggregate result to the department of his domicile is no appreciable diminution of its poverty. Moreover, the beet-root employer will not employ the older men. Consequently they must eventually stay at home, and too often become a charge as paupers upon their department. Thus the north of the Province profits by their labour and by their prosperity, for they spend more of their earnings there than at home, and the department of Mülhausen, and probably the neighbouring departments suffer by their adversity in advanced years without having profited by their labour. This hits a blot in the organization of the relief of the poor, which is, however, far more exposed in the English organization. It is also to be remarked that these annual emigrants, who in 1866 numbered about 3,000 persons, are chiefly weavers who ply their industry in winter, and who, being either physically unable to perform real farm work, or, being both ignorant of most farming operations and unable to learn them, seek by way of natural selection the easier work on the beet-root farms.

Annual migration.

If, in addition to the preceding outlines of the condition of the population, the natural disadvantages of the department and the artificial disadvantages imposed upon it by the minute subdivision and the rights of common be called to mind, it will not be astonishing that the population of the department of Mulhausen is not, as a whole, prospering, even although its newer manufacturing industry is prospering.

In the case of the annual emigrants without change of domicile, the combination of industry and agriculture does not seem to answer. It would be better that they had continuous employment in the one or the other. When, however, the manufacturing labourer obtains a plot of land and cultivates it, the result is beneficial, and when manufacture and agriculture can be more equally combined without any periodical migrations, the result is likewise beneficial.

88. As the object of the visit to Mulhausen was to inquire more fully into the economical condition of a department so different from and yet adjoining that of Langensalza, by way of contrast to the results of the consolidation of intersected lands and of

the extinction of commons, and by way of seeing how far industry had influenced agriculture, and what were the reasons of the depression of the population, it is not necessary to enter into details with respect to the peasant proprietors, and to the many questions connected with them which have been and will be treated in recording the inquiries made in other districts. But it will be interesting to note that, in spite of the greater industrial influence that has had play in this department, the peasant shows as little capacity for taking the initiative in the simplest local matters as those in the neighbouring department of Langensalza.

Occasional ruinous price of land.

The peasants eagerly buy land, even giving mortgages to two-thirds of its value. But the purchase-money is frequently driven too high by competition, of which there was recently an instance in this neighbourhood, and of which the result is that the purchasers have been ruined. In such a case there are, however, two elements—the high price, and the want of proportionate capital on the part of the purchasers. Both act prejudicially, but the result cannot be fairly ascribed to the former alone. It is not unusual for the land to be purchased in many parts of the Kingdom at 50 to 80 years' purchase for agricultural purposes. Yet the purchasers are not ruined.

Probable usefulness of small portions of land for leasing.

89. I learnt that, according to most intelligent observation, the small proprietor in a district where he could hire some more land prospered in his farming, and in a district where this was impossible did not prosper in his cultivation. If, therefore, a peasant proprietor had the minimum of land requisite to keep his family from starving, the probability was that he would prosper or not according to the possibility of having a little more land. If it could be shown from experience that this would usually be the result, it would constitute a strong argument in favour of the presence in each neighbourhood of small portions of land which could be taken on lease by the small proprietors. *A priori*, it could be concluded that, as in agricultural economy the object to be striven for is the prosperous independence of each cultivator, if not of numerous cultivators; and as the non-independent small proprietor is too often unable to purchase land, and therefore only able to hire land, it must always be good and expedient in every way to provide such small proprietors with the greatest possible opportunity of so prospering. It would consequently be sound policy, when mortmain lands are in existence, to let them in small portions on long leases. It would also be commercially profitable, for, as the purchase-money of small portions of land is relatively high, so are likewise the rents of small portions of land. Another inference is, that it would not be sound State policy to turn all small holdings into holdings of absolute ownership, unlikely to be let on lease, and thus fail to provide small holdings which could be auxiliarily hired on lease. On the other hand, a similar result in favour of such small proprietors could be obtained by the principle of association. A sound association of self-help could provide the small proprietor with the means of acquiring the land and paying off the purchase-money in easy instalments. This would be preferable to the peasant always remaining a tenant for part of his land. But even the association could not always help him. The land must be in the market, which it seldom would be—on the spot, at any rate, where it was required. Herein, by the way, is a reason for promoting the greatest freedom of exchange in land, for in inverse proportion to the accumulation of inalienable lands in few hands will be the possibility af self-help in this direction for the peasant. The system of having leasehold lands in small portions contantly at hand has this advantage over the system of purchase by association—that it would always give a constant number of opportunities to such peasants to place themselves on a prosperous level. It is not, however, for this Report to extend itself to an attempt to weigh in the balance the economic advantages of such systems.

90. The preceding observations in this Section will have sufficiently shown the difference between the industrial and purely agricultural classes. The annual migration is not a phenomenon of agriculture, but of industry. The excess of population was produced by industry, not by agriculture. The restless relations of the department and the varying portion of its population are not attributable to agricultural, but industrial influences. There is no great difference between the agricultural and industrial classes in the country districts, in wages or other pecuniary relations, for the two classes are for the most part so intimately blended. Neither is the difference considerable in character and social relations. But the contrast between the purely agricultural population of the country and the mainly manufacturing population of the town is similar to the contrast in Langensalza.

One word as to the military capabilities of the Department of Mulhausen. The remark made in paragraph 74, in respect of Altengottern as representative of Langensalza, is fully borne out by the experience obtained in this department. It will suffice to generalize thus, that a purely agricultural district of peasant proprietors of 3,000 inhabitants will furnish more and better soldiers than a district, formerly or now industrial, of double the number of inhabitants.

(ε.)—*General Observations.*

Industry.

91. The department of Mulhausen can scarcely be cited as showing the influence of predominant manufacturing industry; yet its history takes a decidedly industrial hue. The depression of a large part of its semi-agricultural, semi-industrial population, is owing to the decline of former industries. The present hand industries are more or less precarious. It is only the large manufacturing industry, with the appliances of modern machinery, which seems to prosper. On the other hand, the middle peasant proprietors of the purely agricultural population are not unprosperous. Neither does the position of the small peasant proprietor of the purely agricultural population seem to be universally necessitous.

There is one—possibly small—reason for recent prosperity of peasant proprietors, or at any rate for diminution of the peasant's outgoings. It is that, by the change under the recent national agriculture legislation, from commutation in corn to commutation in money, the representatives of the lords of the manor lost, and the peasants gained, for the price has risen much since the normal prices of the commutation were fixed after 1848. The peasants have therefore not had to pay as much as they would otherwise have done, and to this extent they have been gainers by that change.

Covenant as to rotation.

92. The only instance I have yet met with, of restrictions upon the farming of a private tenant, such as laying down the rotation of crops, occurred in respect of the tenant of an estate in *fidei commissum*, of which one of the covenants rendered a mentioned rotation obligatory.

Reforesting.

93. This department offers an instructive warning as to the lasting loss occasioned by reckless devastation of woods. Not only does it suffer much damage from the absence of forests; but it is exceedingly difficult to stay the damage, and restore the equilibrium, for several attempts at reforesting for protection have signally failed, although carried out with intelligence and scientific knowledge.

(*f.*)—*The Provincial Districts of Coblentz and Magdeburg.*

94. These are grouped in the same subdivision, because it seems to be necessary only to select a few notes in respect of each for this Report. The culture of the vine gives its chief character to the first, and the culture of the beetroot to the second. But as neither the vine nor the beetroot* is ever likely to form a characteristic of the agriculture of any part of Great Britain, in which peasant proprietors may arise, the relations of these districts need not be treated so fully as the relations of the other districts visited. Yet there are some interesting points in connection with those relations, which will be found in the following sections.

(*a.*)—*Coblentz.*

Population.

95. This provincial district contained in 1864 a population of 533,095, of whom 426,250 lived in the country. The area of 109 square geographical miles, of which, however, a large portion is uncultivated or waste land, was divided into no fewer than 245,915 properties containing 4,250,000 of parcels, as has been already noticed in Part III. The distribution of them was as follows:—

Distribution of property.

Of 400 acres	498
Of 200 to 400 acres	345
Of 20 to 200 acres	7,483
Of 3½ to 20 acres	52,320
Of less than 3½ acres	185,269
	245,915

Thus there was a landed property to every 2⅕ persons of the population. Thus, too, the properties under 20 acres were twenty-nine times more numerous than those above 20 acres. The foregoing figures include the Department of Wetzlar, which is considered to be a part of the provincial district, and is treated at length in sub-division A. It will be recollected that in Wetzlar the proprietors below 20 acres are forty times more numerous than those above 20 acres. In the following departments these properties have the following ratios:—

Of Zell	80 to 1
Of Coblentz	50 to 1
Of Neuweid	33 to 1
Of Ahrweiler	31 to 1

* If beetroot do, the inquiries can then be made. In the meantime I have in paragraph [48] sketched the cultivation of a beet-farm.

The foregoing ratios are quoted merely to illustrate the great division of property. In the neighbouring provincial district of Treves the division, which is also great, reaches an average proportion only of 16 to 1.

The vineyards are estimated to contain about 20,000 acres out of the 1,522,000 acres. As vine-growing land allows of greater division than plough land without loss of a sufficiency of annual returns, the extreme division is in some measure owing to the presence of vineyards. This is most assuredly the case in the department of Zell, which comprises the greater part of the Mosel River. It is also to be traced in the departments of Coblentz and Ahrweiler.

Subdivision.

96. The subdivision into parcels is enormous, and is at the rate of 18 parcels to each property. There is no need to dwell upon the disadvantages of such an excessive subdivision. They have been already sufficiently noticed in respect of Wetzlar and Mülhausen. Where vineyards occur, the subdivision is not quite so prejudicial. It at least involves no destruction of crops, But it appears to involve the disadvantage that the grapes may differ enough to lessen the value of their mixture. This disadvantage also operates against small proprietors, several of whom must press their grapes together to make the wine. But, as the quantity and flavour of grapes are often the same over a whole district, the disadvantage does not always occur. The application of a consolidation law would be very difficult in respect of parcels of vineyards, for it would be almost impossible to estimate in terms of inferior soil the value of the best situated soil for vines, and so content the owner who might be forced to give up a patch in a good position. This difficulty is obviously greater in respect of vine-growing land than of ordinary tillage.

Agriculture.

97. As regards agriculture, it is to be remarked that no peasant seems to rely upon a patch of vineyard alone. He always, or with rare exceptions, has plough-land also. The two usually go together, because he requires manure for his vineyard, and, not being able to rely upon purchasing it, he must make it by hiring tillage and keeping cattle. It is interesting to find that the large pasturages in common have for the most part disappeared under the mere action of the increasing necessity for obtaining the greatest return from the soil. The cultivation of fruit is of importance, and the authorities are laudably promoting measures for improving this branch of the agriculture of the provincial district. *It is* hoped to obtain fruit-masters from Wurtemberg for each department to establish an experimental orchard, and to give instruction in the art of fruit cultivation. Several meadow-masters are already established. The travelling instructors in agriculture connected with the voluntary associations are also to be increased. The benefit of this institution is everywhere acknowledged. There are some interesting farms in the department of Coblentz, but it is not necessary to go into details of agriculture. It, however, comports with the object of this Report to note that the smaller peasants are here seldom found not to improve their cultivation by observing the results of innovation on the large farmers of the neighbourhood or district. But it is curious to note what a difference in this respect the favourable or unfavourable situation, as to climate, soil, and position, of the peasant makes in his readiness to improve his cultivation with or without observation. It would almost seem as if, after generations of toil upon the ungrateful soil, the peasant was hardened to disbelief in any kind of beneficial improvement in his lot.

Population.

98. The population is, on the whole, prosperous except in a few unfavourable districts, such as in the Hunsrucken department and in part of that of Neuwied. There is not any proletariat, although there is not rarely great poverty amongst the quite small proprietors, who must obtain auxiliary employment. Few proprietors have 100 acres. A peasant who has 30 acres is considered to be the owner of an estate. Peasants who have 16 to 30 acres with a horse and two oxen are considered wealthy. On a property of 3 to 5 acres an ox is used, and the quite small owner keeps a cow for every acre and a-half. The peasants divide and subdivide the land as long as ever they can amongst the family, and then sell it, when, in the absence of the counteracting influence of individual accumulation by economy, they can no longer subsist by it, or by it and an auxiliary employment. But there does not appear to be any increasing dispersion of small properties into minute portions. The peasantry, as a whole, seems to maintain its position.

Associations.

99. Both in the Provincial Department and that of Treves there are numerous associations apart from the Agricultural Loan Associations on the Raiffeisen principle. There appear to be whole villages or districts formed into such associations for procuring improved implements, machines, pure breeding cattle, and other articles of necessity for the cultivator. The opinion is universal that by such means of self-help the small proprietors can surmount the disadvantages of small properties and can farm as well as the large farmer. A slight extension of the principle, whenever steam-ploughing shall by its saving of labour and its deeper ploughing become a necessity, will enable the small

proprietor to obtain its advantages. As the lands of a whole village or district lie well together with scarcely an intervening occupied space, it would be quite possible and it would obviously be of advantage to plough the lands as one field, and thus save a large quantity of labour. I regret that I had not time to visit a village or district prospering from the benefits of such an association.

Raffeisen Loan Unions.

I gave myself, however, the pleasure of a visit to Neuwied, where I had an interesting interview with Herr Raffeisen, whose associations formed the subject of Division C of Part IV. I also met throughout the province with many opinions both in favour and in criticism of the Raffeisen Loan Associations. This criticism has been for the most part recorded in that division. The necessity of establishing associations differing from the Schultze-Delitsch unions is there shown, and the deviations both beneficial and prejudicial of the Raffeisen associations from such unions are noticed. The Loan Associations endeavour to meet requirements of the peasantry, which are not met by the associations mentioned in the previous paragraph. These are associations for purchasing by associated credit, and chiefly for hiring to the member the use of certain articles of agricultural necessity. Those are associations, also for enabling unpropertied peasants to become individual owners of certain articles of property which may conduce to their prosperity in life. These are mainly associations of persons who together subscribe the necessary capital. Those are associations mainly of persons who cannot thus subscribe ready capital, but by solidarity of credit endeavour to borrow ready capital for their banking purposes. The two kinds could be united in an association, or at any rate could always work in harmony. Each in its perfect form can confer inestimable benefits.

Herr Raffeisen related the many benefits conferred by the associations, and stated very clearly the deviations from the Schultze-Delitsch unions His charitable mind induced him to dwell upon the advantages of facilitating the entrance of the poorest peasant into the associations, and he recounted many an instance in which such members had been materially benefited. It seems also that the associations can act advantageously as distributive societies. If several peasants require each of them a small quantity of manure, for instance, the society can buy the aggregate quantity and send it to each peasant at less cost than each peasant would have separately procured it. The indivisible reserve fund is destined in the first instance to replace the borrowed capital, and Herr Raiffeisen is sanguine that this advantage will be eventually gained for the associations. In the meantime, and on the assumption that it is right to raise capital from non-members, it seems a pity that the attempt to obtain capital from the savings' banks failed. It would certainly seem possible to establish a beneficial connection between the two institutions. Possibly the apparently communistic principle of the accumulation of the profits for the common use in an indivisible reserve fund may be looked upon with suspicion by many. Then also the weakening of the solidarity of an association by the almost free admission of very poor members is not favourably regarded. And there may be other defects theoretically as well as practically. But the defects are only clouds that prevent the complete radiation of the blessing. When they are remedied, the institution will send its genial rays throughout the agricultural economy. But the simile halts here. The institution shines forth of as well for itself; the recipients are the emanating body. It is an interradiation amongst members and of their own activity, and not an extraradiation from a beneficent body not of their own creation.

Whatever the defects may, however, be, they can be easily remedied if necessary, and, indeed, must be remedied, in order that the institution itself may so prosper as to acquire in agriculture the important position which the Schlutze-Delitsch unions have acquired in industry. Such a result is to be hoped for, as bringing with with it large benefits for the small peasant proprietors, and consequently for the State as a whole. It is also to be desired, in order that such a man as Herr Raffeisen, who has developed the associations practically, and has devoted a life of benevolence to their prosperity, may see the greatest theoretical and practical perfection secured for his institution, and the greatest success obtained for his efforts.

(β.)—*Magdeburg.*

Area.

Population.

100. The area of this provincial district is about 209 square geographical miles, containing a population, in 1864, of 801,083 persons, of whom 485,000 lived in the country. Of these 303,000 were estimated as occupied mainly or auxiliarily in agriculture. The owners were about 43,000, nearly equally divided amongst the two categories, and the tenants were 500 and 1,400 respectively. As to soil, the provincial district contains $39\frac{1}{2}$ per cent. of favourable soils, but the Departments of Wernigeroda, Halberstadt,

Soils.

Magdeburg, Oschersleben, Aschersleben, and Wanzleben, comprising together an area of 46 square geographical miles, contain as much as 99 per cent., 95 per cent., 93 per cent., 91 per cent., 81 per cent., and 68 per cent. respectively of favourable soils. A large part of this per-centage is pure or almost pure mould. Next to that of Magdeburg the Department of Wanzleben gives the highest nett return for tillage; viz., of 22*s.* per acre.

Distribution of property.

101. The distribution of property in land was as follows :—

Of 400 acres and more	548
Of 200 to 400 acres	800
Of 20 to 200 acres	16,047
Of $3\frac{1}{2}$ to 20 acres	19,857
Of less than $3\frac{1}{2}$ acres	35,052
	72,304

This distribution is in striking contrast to that of the Provincial district of Coblentz, for the properties under 20 acres are little more than three times as numerous as those over 20 acres. There is also a larger proportion of properties over 200 acres and a much larger proportion of properties of $3\frac{1}{2}$ to 20 acres than in the Provincial District of Coblentz. The presence of larger properties is doubtless in a measure owing to the beet-root industry. The agricultural requirements of this industry are two; a certainty of having regularly a given quantity of beet-roots per annum, and the necessity imposed by the unskilful taxation of growing the most saccharine roots. Hence the beet-root sugar factories must have large estates under their own immediate control. When the taxation is altered the second requirement will disappear, and the first could be met by contracts. But the fact now is, that the industry has caused the accumulation by purchase of large landed estates.

Agriculture.

102. Agriculture varies little throughout the Provincial District, except in so far as the highest farming is in connection with the beet-root industry, and a backward farming is to be seen in a few districts where the peasant has not shown any readiness to adopt the improvements of deeper ploughing and heavier manuring. On the plea that he cannot afford so great an outlay on his acres, he sometimes lets his corn grow year after year in a stumpy fashion side by side with the tall strong crops of the beet-root farmer. On the other hand, the peasant with a medium farming seems frequently to produce more cheaply even beet-roots than the high beet-root farmer. As to the mode of cultivation, it is similar to that described for the Department of Cologne in paragraph 48, except that on many estates, it having been possible to purchase large quantities of lands, the farm buildings are of the best construction, and therefore the cattle in particular have a very comfortable time of it in their spacious sheds, but their litter is still long and not cut straw. Large quantities of artificial manure must necessarily be used. The saccharine qualities of beet-root depend upon the heavy manuring of the lands for previous crops, and under the present system of taxation the beet-root grower is unnaturally forced to grow the most saccharine beet-roots. In certain districts, where the soil is generally favourable, such as in the Wanzleben Department of 3 to 4 feet mould, then a deep loamy soil, and then the brown coal to carry off the water, pure agriculture cannot subsist, and beet-roots must be grown. This may help to account for the phenomena subsequently noticed of peasant proprietors living on the rents they obtain from the large beet-root sugar manufacturer. The peasants are, however, beginning to turn their attention to growing beets on a large scale instead of letting their land. Whenever they now grow them with their medium farming, the beet-root sugar manufacturer can generally purchase them at a cheaper rate than he can himself produce them. This probably arises in part from the fact that the latter farms, and is obliged to farm for a particular object, contrary to the sound rule of a due proportion of each class of crops, and consequently incurs a greater cost of production, and that the former is generally able to keep a larger proportion of cattle per acre, producing, therefore, a larger quantity of natural manure, and hence to grow the beets more cheaply. But commercial reasons may sometimes be mingled with this agricultural reason, for the manufacturer can afford to wait to buy and the peasant cannot afford to wait to sell. Oxen as well as horses are used for farm work. The former are considered to have an advantage over horses for drill and other machines, in consequence of the steadiness of their pace. Then, too, they are subsequently fattened for slaughter; but, until the hippophagists obtain greater sway, horses cannot be so utilized in the dead season of farm work. The parish roads are too bad to render it possible to use a steam plough. On large estates it would probably pay to put down a cheap wooden tramway to certain well-selected parts.

The manufacturing industry of beet-root sugar is predominant, and employs large numbers of work-people not in aid of agriculture, but apart from agriculture. These work-people may belong to proprietary peasant families, but the manufacturing occupation

can scarcely be said to be in aid of agriculture, except in so far as it provides employment in the winter months. On the contrary, there is an annual immigration from various parts, as from Mülhausen, in aid of agriculture, for labour is too scarce at certain times of the year.

Leases.

103. The leases are usually 12 years for peasant's lands, and two years before expiry the beet farmer tries to renew them. If he do not succeed the high farming ceases, but yet the lands are returned to the peasant in better condition usually than that in which they were taken over. This forms an exception to the usual experience of 12 years' leases, simply because it is to the beet farmer's interest to farm very high, and to continue to do so till within two years of the expiration of the lease, even though he materially increase the value of the land.

Peasant landlords.

104. There are whole villages living upon the rents received from such leases. The origin of this inverted order of things may have been that the beet manufacturer offered in the first instance as much rent as the peasant with his agricultural knowledge could then obtain in total income by his cultivation. Hence, as the peasant obtains the necessary knowledge and experience, he will probably refuse to lease his lands, and a return to a sounder state of things will be brought about in the district. This return would probably be accelerated by altering the system of taxation. The combined evils of the idle landlord and of the niggardly parishioner are too often reproduced in such peasant landlords. They retain frequently, it is true, a small proportion of their land, and the large peasant proprietor of 200 acres to 500 acres keeps in hand a small home farm. But they live in idleness and waste pitiably their time. Leisure, in which a great part of the wealth of nations lies, is lost in such cases to the common weal. The peasant landlord is not only above labour but also above trade. The large peasant with a landlord's income of 900*l.* to 1,000*l.* lives plainly, ignores education, despises intellectual activity, looks with contempt on other labour, and hoards his savings. The small peasant who lets his land is too proud to do any work except that of a proprietary farmer, and, having ceded for rent his opportunity of so working, lives idly upon that rent, instead of turning his attention and labour to some other object. Both, however, turn their attention to the object of making the local expenditure, especially for the schoolmaster, as niggardly small as possible. Living upon rent does not improve the peasant's political ideas. His vision is as much restricted as without rent, and in this respect other classes do not always take precedence of him. The over-government has not only injured the political life of the peasant, but also of other classes.

(*g.*)—*Supplementary Subdivision.*

105. A few remarks which could not be placed under any of the foregoing local headings have been reserved for this subdivision.

Savings' banks.

The savings' banks (within the last few weeks post-office savings' banks have been established) have wonderfully increased in usefulness during the last twenty years; and, if time and space had permitted, it would have been interesting to enter into some statistical and other details of their operation. Their usefulness in receiving deposits is not always restricted to the smaller money saver; their usefulness in lending is not always limited to loans on mortgage. Wherever I have met with the practice of such banks lending on personal security with two sureties, I have also met with assurances and proofs of its success.

Charitable institutions.

In due consideration of the scope of this Report it has been to my regret necessary to abstain from any inquiry into the numerous charitable institutions throughout the provinces I have visited, which exist not only for warding off pauperism, but also for ameliorating the condition of those human beings who may be visited with calamities incidental to the human race, but inscrutably reserved for those individuals upon whom they fall. But their frequency cannot fail to strike the inquiring traveller, and to warrant the assertion in paragraph 14 of Part I, that Prussia has a second place amongst nations for her charitable institutions.

Tenants.

106. With regard to rent they generally form a return of $2\frac{1}{2}$ per cent., and often of scarcely 1 per cent. upon the present value of land. For this reason alone the agricultural tenant would have a large advantage over the owner, but everyone strives to be the owner and to avoid tenancy. Whenever isolated cases of tenancy occurred, there seemed to be no appreciable difference in the farming of the tenant; moreover, it was the universal opinion that the proprietors did in a long series of years obtain greater returns for their labour than the tenant. The small tenant might ruin patch after patch of land, but in a series of years the small owner of a similar patch would have obtained greater returns. He would also generally do so year by year. The large tenant would not in the aggregate

fare better unless he had a very liberal landlord, who would readily make all necessary improvements and with certainty renew the lease.

Small and large proprietors.

107. In the comparison of small and large proprietors the result was the conviction that as a rule the small proprietor obtained a greater return for his outlay than the large proprietor. This was more especially recorded of the small farms of 10 acres to 50 acres compared with the large farms of 200 acres to 500 acres. The fact that the living expenses of the small proprietor are usually less relatively than those of the large proprietor, cannot be left out of consideration; but if five peasants with an aggregate of 200 acres spend together less than the large proprietor of 200 acres, the result is advantageous for the State. It is not fair to fix a different arbitrary standard for peasant and lord in such a comparison. As regards the cultivation the small proprietor, by his personal labour and superintendence, has a great advantage over the large proprietor, who must trust to bailiffs and farm servants. In arriving at the foregoing result of the comparison the reckoning of the wages for the labour of the small proprietor and his family has not been overlooked.

Overcrowding of houses.

108. Overcrowding of houses has not been specially mentioned; but in some places the overcrowding had all the features of overcrowding in England. It occurred chiefly in respect of labourers' families, whose members sometimes lived altogether in only one room.

With the exception of the concrete cases cited in the account of Wetzlar, it has not seemed necessary to cite in illustration of the position of the peasantry any other such cases. Inasmuch as they were cases amongst a peasantry struggling for life under hard conditions, it is easy to form an idea of what such cases would be in the better-favoured districts, and in the prospering villages.

Finally, it may be observed, that the following division will offer, in some respects, a remarkable contrast to, and in other respects a remarkable conformity with, the sketch in this division of a peasant proprietor, subject to equal division on inheritance of the land.

(B.)—*Land subject to Primogeniture and Borough English.*

109. As bearing upon the object of this Report in respect of peasant proprietors, there is scarcely any subject of greater interest than the history and present state of peasant properties, subject to the custom of primogeniture, and borough-english. And the Report would assuredly have been incomplete, after the many references in the course of it, to these interesting institutions in Westphalia, if I had not been able to add to these references a few personal and local inquiries, in illustration of such peasant properties.

For these inquiries in districts subject to the inheritance of undivided estates by youngest or eldest sons, I was led to select the departments of Herford and Hamm respectively. I also obtained some general information in Münster. I purpose to arrange the points of interest in a separate subdivision for each department, and in a supplementary subdivision.

(*a.*)—*The Department of Herford.*

110. This is a hilly department, near Minden, on the Weser side of the watershed between the Ems and Weser, and adjoining on the north-west the territories of Osnabruck. It is historically interesting, as containing Enger, the capital of Wittekind, who, as King of the Saxons, so long resisted Charlemagne. The district is proud also of being of the purest Saxon race.

(*a.*)—*Statistics.*

Area. Population.

111. The area of the department is about 7½ square geographical miles, and contained, in 1864, a population of 69,039 persons, of whom 58,000 lived in the country, and 11,000 in the town of Herford. The occupations of the people can be seen from the following figures:—

Occupations.

	Persons.
Agriculture occupied	12,020
Families and dependents	23,726
Hand-workers not engaged in agriculture	2,066
Servants ditto	730
Manufacture and commerce	4,500
Artizans and small trades	2,950

A large majority of the persons engaged in manufacture, commerce, and small trades, are also engaged in agriculture.

Emigration had decreased previously to 1865, probably from the influence of the war in the United States, but was reaching its usual number of about 100 persons. Births

averaged 2,600 in 1862-64; the illegitimate increasing from 1 in 21 in 1862, to 1 in 18 in 1863 and 1864.

112. The kinds of land are as follows:— Kinds of land.

	Acres.
Tillage	75,699
Garden land	2,397
Meadows	9,664
Pasturages	3,563
Wood land	14,551
Roads, &c.	4,617
Sites, yards, &c.	3,658
Water, waste land	165
	114,214

Since 1829 the plough and garden-land has increased by more than 10 per cent., and the meadow and pasturage have decreased by 20 per cent., and the forests by nearly 25 per cent.; that is, the arable land has increased at the expense of meadows, pasturage, and forests. The tillage is now 66 per cent. of the area.

The distribution of property in land was:— Distribution of property.

Of 400 acres and more	8
Of 200 to 400 acres	16
Of 20 to 200 acres	1,361
Of $3\frac{1}{2}$ to 20 acres	2,672
Of less than $3\frac{1}{2}$ acres	1,717
	5,774

The team-requiring peasant farms were, in 1816, 979; in 1859, 943; so that 36 had disappeared. In fact, 87 had been broken up, and 51 new ones had been established. There are 3,085 owners, and only 30 tenants occupied in agriculture.

113. The chief industry is cigar making, with 2,300 workpeople in 44 establishments. A flax spinning-mill, with 4,000 spindles, employs 200 workpeople. A sugar refinery employs 120 labourers. A few other industries besides the agricultural or local industries exist, but are of no importance. There is a house-weaving industry, to which belong 250 looms for silk and cotton tissues, and 500 for linen tissues, and 1,500 looms for linen as auxiliary occupation of the country people. Industry.

114. The cost of the public relief of the poor, is about 2,320*l.* annually, distributed to 1,600 recipients. Poor.

In respect of the criminal administration, only 8 cases in 1,000 inhabitants were tried, of these more than one-half were cases for fines. Crime.

(β.)—*The Division and Subdivision of Land.*

115. The most noticeable feature of the division of the land into property is the small number of proprietors at each end of the scale. Thus, there are only 24 properties over 200 acres and only 1,717 under $3\frac{1}{2}$ acres. It is also to be especially noticed that the properties of $3\frac{1}{2}$ to 20 acres are actually more numerous, in the proportion of 3 to 2, than the properties under $3\frac{1}{2}$ acres. In this respect the department differs from the provincial district of Minden, of which it forms a part, for the proportions are there 3 to 4. The properties below 20 acres are three times as numerous as those above 20 acres,—a proportion which contrasts strikingly with the proportion of 40 to 1 in Wetzlar and in Langensalza, This different division of property is no doubt owing to the custom of borough English amongst the peasants by the side of primogeniture amongst the gentlemen landowners. The great importance of the middle peasantry is also obvious, and is doubtless owing to the influence of the same custom and to the former inalienability of land. That importance as displayed here and throughout the greater part of Westphalia (excluding only parts of the Arnsberg provincial district), warrants the reference in this Report to Westphalia as the land of middle peasantry.

The subdivision of the land into small parcels is naturally restricted. Its chief manifestation is in the new settlement of peasant proprietors on inclosed common lands, who follow the custom of equal division of land on inheritance. Subdivision.

The fact of the disappearance of nearly 4 per cent.—the average for the Kingdom was only 5·11 per cent.—of the team-requiring farms since 1816 shows that as great a disappearance of such independent farms may occur in spite of the custom of borough-english, as may also occur in consequence of the French custom of equal division. Moreover, it is to be recollected that these undivided farms have only been subject for half a century to the influence of free alienability and divisibility, whereas such an influence Influence of borough-english.

has operated for centuries in Wetzlar, Langensalza, and Mulhausen. It will be very interesting at the end of another half century to compare the position of the distribution of property in this and the other districts named, that influence remaining the same.

(γ.)—*Its Agriculture.*

116. Agriculture is of preponderating importance, for 80 per cent. of the population is connected with it. Wheat, rye, oats, and flax are the chief crops. Barley is only grown for home wants, and rape and turnip seed only to a small extent by the larger farmers. Flax occupies on the average a ninth of the plough-land. Potatoes and some other roots are cultivated for domestic use. Cereals are certainly preponderating. The climate is unfavourable to orchards, but after allowing for this disadvantage, the cultivation of fruit is backward.

The department has 90 per cent. of favourable soils, 83 per cent. being loam on the higher land. It will be recollected that Langensalza had 98 per cent., of which only 55 per cent. was loam, so that the difference is not considerable. It may be doubted that the difference of climate is considerable. The difference of position is certainly not important. Hence, after making a due allowance for a small possible difference of climate unfavourable to Herford, the department of Langensalza is not ill-fitted for comparison.

The system of cropping is free, and follows the intelligence and resources of each farmer, or lags behind his unintelligence and resources. Its characteristic consists in the place assigned to flax in the rotation, and in the preponderance of cereals in consequence of the absence of good meadows. Even the large farmers, who are considered to farm rationally, take grain crop after grain crop, and manure every third or fourth year. Stall-feeding has been universal since the extinction of rights of common. Horses are chiefly used for farm work. On a property of 20 acres two horses are sometimes to be found.

Natural manure is chiefly relied upon, but guano and bone meal are not unknown. Black marl is everywhere used. Of the 25,000 acres of plough-land requiring drainage only 3,300 have been drained. The gross produce is—

	In Grain.	In Straw.
	Bushels.	Cwts.
For wheat	16	15
For rye	18	21
For oats	29	13½
For peas	11	18
For beans	18	18
For potatoes, about..	102	..

The number of horses was		4,071
„ cattle „		18,924
„ sheep „		9,519
„ pigs „		11,729
„ goats „		5,653

The exportation of lean horned cattle and of lean pigs has been remunerative. Of the former the breed is chiefly a home breed sometimes crossed with the East Friesland race. They cannot, it is thought, at present be fattened remuneratively for slaughter.

Defects of agriculture.

117. The foregoing details represent the agriculture of 1865, but there seems to be little alteration since that date. The defects of the system are easily seen. Indeed, the farmers of this department have, as a whole, the reputation involved in keeping fat horses and under-fed cattle. They also usually keep too many horses, but they are beginning to sell their horses and purchase cattle. They are also beginning to improve their system of cropping, but the department is still considered to be backward in agriculture. This is not owing to the smallness of the property, nor to the absence of capital, nor to the absence of free local institutions. In all these three respects they have an advantage over the peasant proprietors of Langensalza, and yet they do not show more intelligence than, or as much progress, as the farmers of the latter department.

Their progress in agriculture has been practically unhindered by division into small properties and by subdivision into minute parcels. In fact the majority of the quite small properties date from the extinction of commons. As a rule, therefore, every property was a self-supporting and independent farm passing undivided from generation to generation. All the real and alleged advantages for agricultural progress which such a system offers, have belonged to this department. Nevertheless, taken as a whole, the department is not only not in advance of, but even is behind, the department of Langensalza in agricultural

development. Moreover, the greater density of population was, and is an impelling force to agriculture in Herford. But in diminution of the unfavourable result of this comparison, it can with truth be alleged that these farms were not until this century absolute property, or subject to freedom of exchange, but were only in the relationship of tenancies with fixity and indivisibility of tenure and money or labour rent. Whatever progress in agriculture has taken place, has shown itself since the farms became absolute properties. It must not be omitted to notice that a consequence of the dense population has been the cultivation of every available spot of ground, and that this fact shows what an advantage, as in Mulhausen, the demand for agricultural produce gave to the farmer in possession of the soil.

With regard to means of communication Herford has also an advantage, inasmuch as the main railroad of North Germany has for more than a quarter of a century traversed the department, and during the same period some fifty miles of good roads have been constructed in various directions in the department.

(δ.)—*Its Industry.*

118. It will have been seen from the statistics in section *a* that the manufacture of cigars is the chief industry, which was then (1865) rapidly increasing in importance. This prosperity has continued to attend it, and has conferred many a benefit upon the dense population by furnishing labour in town for the surplus hands in the country. The linen industry of the neighbouring district, such as in Bielefeld, is also of advantage for the population of this department, and is the reason of the importance assigned in agriculture to the cultivation of flax. Formerly, linen-weaving and spinning employed thousands, and was the chief auxiliary employment of the agricultural population. It is to this fact, as in the case of Mulhausen, that the population owes its present disproportionate density. But in Mulhausen the more or less complete extinction of such an industry has had a more prejudicial reflex action upon agriculture than it had in Herford, and the reason lies in the totally different system of property and inheritance, which has always obtained in the latter. It would not be without interest to inquire in which department the dense population artificially created by a flourishing industry has, as a whole, the most suffered from its decline. The probability is that, from this point of view, Herford with its undivided landed properties has suffered more than Mulhausen with its divided properties, but all the necessary materials for such an investigation are not at hand, even if the conduct of it would suit the time of the writer and the bulk of his Report.

The English and Irish linens of machine production were the cause of the decline of both the weaving and spinning, but chiefly the spinning, of this hand industry; but the machine industry has already acquired importance in the neighbourhood, and is prospering. Labourers from Belfast are to be found in the mills, who are acknowledged to work better than the native labourers, and thus, by the greater value of their labour, more than cover the larger quantity of wages which they receive.

The population diminished considerably in 1853-58, by emigration both to North America and to the industrial centres of the province, in consequence of the misery which followed the decline of the hand industry.

(ε.)—*Its Population.*

Tenants.

119. It will have been observed from the statistics that the tenants do not form an important part of the community. But in the provincial district the tenants are rather more numerous than is usual in Prussia, for, out of 35,600 persons mainly or auxiliarily occupied in agriculture, 3,600 are tenants, and of the auxiliarily employed, the proportion of tenants to proprietors is 7 to 25. I had not time enough to visit the neighbouring department of Lübbecke where three-fourths of the persons auxiliarily occupied in agriculture are tenants, or the distant department of Paderborn, where the proprietors and tenants auxiliarily employed are about equal in number. On the other hand, the town of Minden has no tenants at all, probably because it has no communal property or property in mortmain. Herford department, however, has about 1,100 acres of communal property and another 1,100 acres in mortmain. This fact probably accounts for the 40 tenants, but I did not myself meet with any of them. Parenthetically it may be mentioned, in order to show how departments of the same provincial district often differ widely in their relations of property, that the department of Höxter, which is little more than half as large again as Herford, possesses nearly twenty-four times as much property, belonging to the communalties and settled estates and in mortmain. Yet Höxter has only 33 tenants, for the above property consists chiefly of forests. Settled estates, *i.e*, estates subject to feudal descent, or in *fidei commissa,* are comparatively numerous and extensive in the region

to which Höxter belongs. But I had no opportunity of examining the bearing of this fact upon the population.

Labourers.

220. But if there be no class of tenants in the department of Herford, there is a class of day labourers who are not owners of land. These have been already referred to in paragraph 86 of Part III. They are contract labourers, but, although they seldom change their masters, and remain from father to son on the same property, I did not meet with any instances of any of them being now labourers according to contract for 12 years. Usually such labourers are not in a position to save. Inasmuch as their wages consist so little of money, they have practically risen at nearly the same rate as the necessaries of life. But the former extreme density of population prevented the full rise. Now, however, that emigration and an increasing industry have caused the existing density to be less disproportionate, a scarcity of agricultural labour at present prices is beginning to be felt. The contract labourer must bring two, himself and another, into the field; the second may be a wife or a daughter. But he generally hires a girl when he has no daughter old enough, in order to leave his wife at home to attend to her domestic duties. Recently some contract labourers demanded to be paid in money. The peasant farmer offered them 1*s.* 5*d.* per day, instead of the present 8*d.* with house and partial board, and land and seed. The labourers considered this offer and then determined to abide by the old arrangements. Hence their wages can be fairly calculated at 10*s.* 6*d.* a week. Even, according to prevalent ideas, their houses are not always as good as they might be, and are sometimes with too little room for their families. But absolutely and not relatively considered the labourers' houses are sometimes very bad. The accommodation and overcrowding are, however, much worse in towns. This class of the population suffered much from the decline of the former industry, for the occupation of their families in such auxiliary work added to their comforts and enabled them to save, when they otherwise would not have been able. They have many of them emigrated, and it is the labourers and not the peasant proprietors who have chiefly emigrated. They all strive to become owners of land, but the opportunity to acquire land is very rare, and the possibility of saving is not frequent. There does not appear to be any class of paupers, though some of the labourers fall at times into great distress. This system of contract labourers appears likely to maintain itself and to become strengthened. Where the labourers have been long and perhaps for generations upon the land without contracts, contracts for a given time are being introduced. There is no labour to be obtained from the quite small peasants, who in other parts of the Kingdom form the large majority of the farm labourers as day labourers, for here such peasants seek the high wages of an industry, and they are too few to form a farm labouring class. There does not seem to be any material difference in character between these labourers and others elsewhere. They have much improved within the last 50 years. They are universally able to read and write, but they seldom care or are able to continue their instruction. They do not appear to be, on the whole, as intelligent as the quite small peasant proprietors of Saxony and the Rhine province. Their marriages are not on the average late, and their children are often obliged to leave the department to earn their bread.

Smaller proprietors.

121. Of the smaller peasant proprietors there is no need to say much. They, at least the so-called new peasants, have the custom of equal division of land on inheritance in contradistinction to the custom of borough-english of the other peasants. Sometimes, however, the equal division on inheritance takes place in respect of the deceased's estate, the valuation of the land being placed very low, so that one child remains with the greater part and takes up a mortgage to pay in money the value of the rest. They are more economical and thrifty than they were, and seem to be, on the whole, prospering.

Middle proprietors.

The middle peasants consist chiefly, though not most numerously, of the "Sattelmeier" and "Colonen." The former may be called large owners, for they frequently have from 300 to 500 acres; the latter have usually from 100 to 150 acres, and a few have more. But the lands of all are subject to the custom of borough-english. So strong has been, and is, the hold of the custom upon the peasant families that, until quite recently, no elder child ever demanded his legal obligatory share. A returned emigrant or two from America have recently done so. The children acquiesced in the succession of the youngest, even if no portions were left them, and never dreamt of claiming under the law of indefeasible inheritance. Even if the peasant die without making the usual will, the children acquiesce in the passing of the undivided inheritance to the youngest son. This is a striking proof of the force of custom in opposition to laws. It is noticed that the advance of education and intelligence is also making a change, and causing the spirit of demands for obligatory shares to arise. But, whatever the cause may be, it is becoming quite customary to leave portions for the elder children. The plan for regulating such portions is often based upon the land-tax assessment. The assessment of the nett return

Force of custom.

is usually one-third of the real nett returns.* The value of the land corresponding to the former is divided equally amongst the children, and the youngest son takes up a mortgage to pay off the portions. The custom of the succession of the youngest son is preferred to the eldest son, and is defended with much show and reality of reason, on the two principal grounds, that the parents can start the elder children in life, but may not live to start the youngest, and that the property remains longer in one hand when the succession is to the youngest son. The practice is almost universal to give over the property to the youngest son, as soon as he has attained his twenty-fifth year, when he is considered to be of age. The parents then retire into a room or a house of their own, receiving a fixed allowance, and the youngest son takes the whole management of the property. Formerly, excepting of course such children as succeeded in marrying heiresses to other farms or marrying otherwise well, the remaining children became farm-labourers, at home or settled in cottages, usually to the father and then to the youngest brother; and the more modern disposal of children by sending them into the towns for trade has not altogether replaced the older disposal of them. The children of such farm-labourers become too often paupers. Such a system kills all generous feeling, and causes the farm to be preferred to natural affection. An extreme instance of the effect of this system upon the owner of the property occurred during the late Danish war. The married cousin of a well-to-do proprietary farmer and her husband worked as day labourers. He was called out for service in the Duchies, and she was left to labour. The farmer-cousin ordered her to work for a half-day. Now, a half-day's work is paid less than a-half, for it only begins at 12 o'clock, after the dinner is over, so that those who work for half a day must dine at home. The farmer was, however, obliged, from lack of work, to discharge her two hours before sunset, and then refused to pay her until she had had an opportunity of labouring for those two hours. Among such peasants one might say that the horses were first, the farm next, and man last, unless the pigs preceded him.

Education.

As a rule, the middle peasants are not educated and do not care to educate their children. Some are, however, beginning to send their sons to the gymnasium, where they remain until they have passed the examinations necessary to reduce their period of military service to one year. One or two are intelligent enough to think of providing for their elder children, by sending them to study and fit themselves for professions and the more learned callings of life.

"Sattelmeier."

These remarks apply equally well to the dozen of large acred "Sattelmeier." They can trace their descent from the time of Wittekind. If Charlemagne had not, in the end, succeeded in imposing the Christian religion at the point of the sword on Wittekind, who long and stoutly fought as Saxon King in favour of his country and gods against the Frank invader, they would, probably, have been the nobles of the district. But, being conquered, they preserved their lands and became peasants. Now they are very peasants of very peasants, however wealthy they may be. It is not unusual for them to give 3,000*l.* in dowry to a daughter, but she goes to church in wooden shoes, and milks the cows next day. They are chief amongst the farmers who prefer fat horses and lean cattle, and who are the most difficult to cause to improve in agriculture. This is, however, beginning to change.

Marriage.

122. Marriage is of course a bargain, and is in addition a matter of caste. It is a bargain, and the peasant landowner lets it be well known that he will bestow a certain amount of dowry, and also that no suitor without a given amount of property will be allowed to come upon the farm to woo his daughter. The chief modern difference in the search of elder children for farms is that whereas they only hunted the heiress in the immediate neighbourhood, now the hunters beat up a much larger district. As it has been naively observed by such a proprietary farmer, "the boys must go further to get farms." The "Colon" peasants with their 100 acres respect caste in their marriages. If, as actually occurred, one of them marry a labourer's daughter in all respects his equal, except in that of belonging to a landowning family, he is cut off from all intercourse from the rest, and even for twenty years not one of his peers will cross his threshold. Moreover, the sons of "Colons" always try to serve in the cavalry, and leave the "infantry for the lower classes." Caste has not yet caused them or the "Sattelmeier" to be ambitious, that their sons should be so educated as only to serve one year. Indeed, it was till recently a disgrace not to be uneducated and not to serve the usual three years. In no district of the territories subject to equal division of land on inheritance is this feeling of caste so strong as in this district of borough-english. It will, however, be recollected, that in the provincial district of Magdeburg, a similar but weaker spirit of caste shows itself in the

* This is accordance with a law which allows the older law of equal division and the law of indefeasible inheritances to be thus evaded in favour of the customs of primogeniture and borough-english.

peasant landlords, in respect of their contempt for and aversion from any labour or employment other than that of a proprietary farmer.

and in firm hands.

123. The land is firmly held, and there are so few small portions to be obtained that the labourer has scarcely a chance of acquiring land, and the small peasant has very little opportunity of increasing his holding. On the other hand, if the holder of a middle property inherited for generations is unable to maintain himself, he appears to prefer selling the whole and emigrating to selling a part and freeing himself from his incumbrances. He is probably too proud to hold in his own country a much inferior position to his forefathers. Such a property is often divided into small portions and thus sells more advantageously. The portions are eagerly competed for and purchased even at prices which only correspond to 1 per cent. of rent. But the neighbouring middle proprietors often unite for the purpose of buying the whole estate and absorb their portions into their own estates. Recently this appears to be more frequently the case. But formerly the splitting up the estate into very small portions took place with or without the intervention of a so-called estate-slaughter.

rosperity.

124. The material prosperity of the middle peasants and of other peasants, solely or mainly engaged in agriculture, has been great during the last half century, whereas no such a prosperity can be said to have generally attended the agricultural population, for the decline of the former industries has not yet ceased to make itself felt amongst the labourers and the smaller peasants. Many circumstances combined to preserve the farmers from sharing in the general depression. Their produce obtained higher prices and several articles, such as butter and eggs, for which previously there was no external demand, became important articles of exportation from the department on the opening of the railroad. Their somewhat improved agriculture has also contributed. But special credit must be given to the great thrift and economy, and also the self-denial of many enjoyments, which have taken the place of qualities of character that resembled fifty years ago too nearly the worst qualities of English farmers of a former age. Moreover, the bestowal of absolute ownership and the commutation of real charges and services, and of many servitudes, have contributed much to this prosperity, for the endless causes of disputes and unceasing recourse to the lawyer which arose out of the former system have been entirely remedied, and the disadvantages of the unfree imperfect ownership of two partners with opposing interests have been replaced for him by the advantages of perfect freedom and absolute property. And last, but not least, the extinction of rights of common, especially of the commons of fallow and stubble grazing, must be cited as having powerfully aided in producing the more recent prosperity of the peasant farmers. This prosperity of this class is general, but naturally unequal throughout the department, the inequality being chiefly determined by the unalterable differences of the soil, position, and even climate of the district, and by the alterable differences of economy and intelligence. It is also in part determined by the size of the inherited property, the thrift and intelligence being equal, and by the absence of the prevailing luxury of keeping horses. The greatest change has been observed within the last twenty years since the opening out of the department by the roads and railroad, and the relief of the peasantry from commons. Before that time many communalties were very heavily in debt both corporately and individually. Now it is very different, as may be seen by the progress of the savings' banks and by their statistics. The peasant proprietors are saving much money. The Departmental Savings' Banks held in deposits nearly 150,000*l.* last year, of which about one-half belonged to the farming peasant proprietors.

easant pro-
rietors.

The peasant proprietors are a sturdy, independent, honest, and now thrifty race, not wanting in natural intelligence, but hitherto very defective in educated intelligence. They live very plainly whatever their means may be; and their houses are in good repair and furnished in a homely manner without luxury of any kind, and often with total absence of comfort. A "Colonat," *i.e.*, colony, or rather district of several Colons whose houses are placed near together, contains no dancing rooms, and the Colons, with Puritan sternness, consider such an amusement to be dangerous to the moral life, especially in country districts. They now look also with an unfriendly eye upon the inn, if one happen to arise in the district. They live to themselves and amongst themselves in small circles, and do not seem to be inclined to use the inn as a club. These differences of character from the Saxon character, as observed in Langensalga, can only be noted, but it would have been an interesting inquiry to ascertain how far they may be owing to each of several influences, such as the usually isolated position of the farms, the political and religious history of the department, the ethnological character of the people, and other distinctive differences from the population of the southern part of the Province of Saxony.

It has already been noticed that this population has the benefit of free local institutions for the communalty—a benefit which the eastern provinces do not yet possess, and

for which the departmental law now under discussion will prepare the way, as a reform of their existing communal institutions is urgently needed.

125. Lastly, it should be stated, that the peasant proprietors can in this department, and in the province, generally obtain money at 4 to 4½ per cent. easily, and that capital is so plentiful, that no Mortgage Debenture Associations are required. The savings' banks lend to a large amount on personal security, with two sureties, and only to a small amount on mortgage. Abundant capital.

The industrial class, which is little distinguishable from the agricultural population, shows, however, similar deviations from the agricultural peasant character as in Langensalza.

(ζ.)—*General Observations.*

126. The contrast between the relations of this department and that of Langensalza, is certainly striking; and a comparison of the two deparements will set out many of the advantages and disadvantages of the opposing Frank custom, and custom of borough-english in respect of inheritance. In this department are peasants who, for a long series of years, have enjoyed all the alleged advantages over the Langensalza peasant, of holding from generation to generation an undiminished property, and enjoyed all the advantages with him of possessing the absolute ownership of his land for the same period of time, be it for fifty or twenty years. Yet these advantages have not stimulated him to a better agriculture, or to a better education, or raised his family in the social scale. It is true that he may hold undiminished the land of his progenitors of half-a-dozen centuries ago, but this is in itself only a barren advantage. It may, indeed, be doubted whether a detailed comparison of half-a-dozen borough-english peasants and half-a-dozen Frank-custom peasants would result unfavourably for the latter. As to the custom of borough-english in maintaining middle properties, which must always be an object of interest to the State, the statistics of Herford do not show much trace of it, for the ratio of decrease in numbers of team-requiring farms, is more than half as much again as that of the Kingdom; but the ratio of gain of acreage is favourable, for it is 0·98 per cent. compared with the loss of acreage of 5·11 per cent. for the Kingdom. Contrast these figures with the corresponding figures for Langensalza of a ratio of increase in numbers equal to more than five times the ratio of decrease in the Kingdom, and ratio of a gain of acreage of 12·32, compared with the ratio of the loss of acreage of 5·11 per cent. for the Kingdom. It is rather astonishing that this should be the result in spite of the adverse influences of the Frank custom in Langensalza, and the favourable influence of the custom of borough-english in Herford. It is only fair to add, that the corresponding figures for the Provinces of Saxony and Westphalia respectively, do not show this unfavourable result for the latter. The loss in numbers is 5.32 per cent. and 2·25 per cent. respectively; and in acreage, 3·06 per cent. and 3·2 per cent. respectively. Contrast with Langensalza. Influence of borough-english.

It is interesting to record, that the "colons," who were formerly a species of perpetual tenants, and who on the whole did not suffer from the worst hindrances of the quasi-feudal system, have been able to get on, from the fact of the change itself, when previously they could not get on. This benefit of the legislation is not caused solely by the fact of their becoming proprietors, and thus profiting by the rise in the value of land, but also by the many advantages which the emergence from the former relations has given them in the absence of disputes of all kinds with the lords.

As middle properties, the farms of the districts which contain frequently from 100 to 150 acres, are too large for the general attention of the owner; and he is therefore liable to the losses caused on large farms by vicarious management. As a rule, the properties of 20 to 40 acres are considered the best. There is in the neighbouring department a district of a square geographical mile, with none but such peasants in it. But I was, to my regret, unable to visit it.

(*b.*)—*The Department of Hamm.*

127. It will not be necessary to do more than note the difference between this department and the previous one, and to mention any special characteristics.

This department lies along the Via Clara of the Romans, in the plain stretching northwards from the feet of the Haarstrang hills, which it touches, and is part of the best agricultural region of Westphalia. The customary descent of land is from father to eldest son amongst the longer established and larger peasant farmers, as it is amongst the gentlemen farmers. The team-requiring farms have increased 1·22 per cent. in numbers, but decreased 2 per cent. in acreage. As regards the distribution of property, it differs from Herford in having more than twice as many properties under 3½ acres, and above Distribution of property.

200 acres, respectively; whereas it has about the same number as Herford of properties of intermediate sizes. This difference probably arises from the greater proportion of new peasants who have the Frank custom of equal division of land on inheritance. It is, therefore, less suitable for studying the influence of the descent of undivided farms, than the department of the foregoing subdivision. Moreover, it is superior to Herford in climate and position, but is inferior in favourable soils, by the considerable difference of only 57 per cent. of loam and clayey-loam soils against 90 per cent. The agriculture is much better than in Herford, and grass land forms an important feature of it; and the nearer position to the great manufacturing centre, and the existence within it of a considerable manufacture, are great advantages over Herford. Here the farmer has benefited more than in Herford from being the owner of the land, and from consequently receiving the increased returns, known as theoretical rent, which such advantages yield. The primogeniture peasants are more alive to the value of education, than the borough English peasants yet are. They send their sons to the gymnasium, and consider it a disgrace for a son not to be entitled to serve only one year as a soldier. With regard to inheritance, the object of the existing owner is always to preserve undiminished the family property, and to avoid charging it with such high sums for the other children as should render it difficult for the eldest son to preserve the property intact. The large peasant proprietors (from 300 to 400 acres), usually give a portion to each younger child, of a thirtieth to a twentieth share of the inheritance. Hence, ten children would receive from a third to a half of the value of the property; and the eldest son would even then have a preponderating share. The children either marry heiresses of farms, or become manufacturers and merchants, or remain at home on short allowances. These farmers are prospering much, and new houses of much comfort and farm-buildings of modern construction are everywhere visible. The labourers seem to be in comfortable circumstances, and their houses are comparatively good. The large farmers are considerate enough to order the labourers' wives to work only half, or third days, so that they have time for their household duties. The labourers cannot save much,; for the case of a man and his wife having saved 80*l.* in eight years of farm service was mentioned as exemplary, and not usual.

riculture.

asants.

heritance.

bourers.

128. The department of Hamm belongs to the Provincial District of Arnsberg, to which Siegen also belongs; and as has been previously remarked this district contains the greatest contrast of favourable and unfavourable land. The Provincial District of Münster resembles much the department of Hamm in its general relations, but differs from Hamm in being almost purely agricultural. It is within this district that the heath-manuring, as mentioned in paragraph 43 of part III, is practised. This practice is now prejudicial, and there are farmers who would be grateful to any one who would cart away a foot deep of soil from their farms. It is also perverse, for the farmers cart the heath sods up hill to their farms, whereas they ought to cart marl down hill to them from the high ground which contains it. But the curious feature of this heath-sod-manuring is its history. When the forests were cut down, the vigorous life of the underwood was noticed. Sods were cut from the soil and ploughed into the farmers' land with excellent effect, for with the little sand of the under soil was much mould clinging to the roots. But in the course of time the mould was used up and no fertilizing substance was conveyed to the farmers' land. Yet the custom continued with effects which may be imagined, and it still subsists.

eath-sod anuring.

(*c.*)—*Supplementary Subdivision.*

129. In Westphalia the savings' banks lend a large part of their funds on personal security. In Münster at any rate not a groschen has been lost by the system, and the town can show some useful institutions built by the profits of the savings' banks. The peasant proprietors make a large use of them, as may be seen from the statistics. Even the larger peasant proprietors use them frequently. There is no lack of money in the provinces, and any one can get what he requires at 4 per cent. or even less. In course of time this abundance of capital will be distributed over the Kingdom, but at present the Berlin and other Banking and Mortgage Associations can do no business in Westphalia in loans.*

avings' banks.

130. Rents seem to vary from 2 per cent. to 3 per cent. on the value of the land. This value has in some districts increased enormously. This is an example from near Unna in the department of Hamm. A certain area of land was let forty-five years ago at 1*s.* 6*d.* per acre. On the lease terminating it was offered to the tenant for purchase at 54*s.* per acre, but the tenant refused the offer. The land was then cut up into small properties and let for twenty-five years at 4*s.* 6*d.* per acre. It was a little later redeemed

ents.

* It is interesting and curious to note that in Westphalia the monetary conditions are reversed. The farmers lend capital to industry, whereas usually the manufacturers lend capital to agriculture.

at eighteen years' purchase, and is now worth 45*l.* per acre. Two illustrative inferences can by the way be drawn from this case. It is an illustration of the extinction of even twenty-five years leases by the Legislation. It is also an illustration of the enormous advantage which has sometimes accrued to the peasant proprietor apart from his own industry and solely from the accident of the position of the land. It is possibly better that he should have obtained it than that the former lord should have had it, but why should either of them have received a benefit created by the community and not by himself? The land is held firmly, and the middle peasants usually buy whatever comes into the market.

Tenants.

131. There was no opportunity in this province to compare tenants and proprietors, but the opinions held, in respect of the advantages of absolute ownership over tenancy even with long leases, were identical with those already recorded in this report. As one gentleman farmer of great intelligence and practical acquaintance with the former and present agricultural economy of Prussia remarked, "a lease of twenty-four years will do, but not a lease of twelve years; it often takes a large or even middle proprietor twenty years to find out all the peculiarities in soil of his property."

Small and large proprietors.

Neither was there any opportunity of comparing the small and large proprietors, but from what I could gather, the remarks in previous parts of this report in respect of the relatively larger returns from small properties and of the general aptitude to adopt agricultural improvements will apply also to the large and small properties of Westphalia.

Policy of yeomanry.

132. State policy requires the land-owning population as a counterpoise to the manufacturing population, for it is essential that in political questions the cultivators of the soil should be owners. Not only, therefore, is it held that the fact of property widely distributed produces praiseworthy moral qualities and promotes individual prosperity amongst a numerous class of the population, but should be an object of State policy now not as a counterpoise to the privileged classes of nobles and others, but to the restless unpropertied classes of artizans and manufacturing labourers. The strength of the nation lies in the team-requiring farms. These farms must also be watched with attention for the military reason of keeping every part of the Kingdom supplied with horses. The proprietary peasantry is here as elsewhere the best source for soldiers. The returned soldiers also confer much local benefit by the higher standard of educated life which they usually offer by their example to their neighbours. This is apparently everywhere true of the three-years' soldier. But of the twelve-years' soldier it is not so true, for he returns to a situation on the railway or elsewhere under the State a mere machine incapable of self-willed action.

Emigration.

In respect of pauperism and emigration there is little to be said. Pauperism, as a permanency, seems to exist as little in agricultural Westphalia as elsewhere. Bnt some of the labourers are very poor, and not a few of them emigrate. There are, however, monied emigrants. These, probably, come chiefly from the owners of undivided family farms. who prefer emigration to an inferior social position at home, when distress has overtaken the family.

Minimum independent property.

The minimum size of property required to maintain a peasant family does not vary from those already recorded for other provinces. On good soils five or six acres will suffice, and even four acres has been mentioned, but on less favourable soils even fifteen acres may be required.

Benefits of legislation.

133. The examples of the benefits which have been conferred by the agrarian legislation are as striking and evident in this province as elsewhere. The extinction of commons has done almost more than anything else to promote the agricultural development of all parts. There are instances of an increase of three to five times in the production of a district since the commutation. It will not be uninterestiug before closing this subdivision to refer to the plan of a model labourer's house. It is a quadruple edifice, each corner being a house. It is one-storied, with a garret above and a cellar below; the entrance door is raised half-a-dozen steps from the ground. It has two entrance-doors and two windows at each end, and six windows at each side. Thus each house has an entrance-door and a window at one end, and three windows at one side. It contains a vestibule with a kitchen on the inner side from the corner, and then a living-room and two bed-rooms extending along the side. The rooms are white-washed, the flooring is deal, and the windows open. The living-room is not small, and looks pleasant. A quadruple edifice cannot, however, have any thorough ventilation, and is a double arrangement of the back-to-back houses of Leeds, which are condemned as unhealthy.

Labourer's house.

Travelling through Westphalia is much more like travelling through England than any other part of Prussia which I visited. I do not refer to the fat horses and neglected manure, but to the prospect of the land. Here there are woods and copses and clumps of trees, and also hedges and ditches as wasteful as any in England. Here too, pasture-land

is to be seen in similar proportions as in England. In the other provinces "the ground indeed is tawny," but here "it is with an eye of green in it" But the similarity to England is not alone in the prospect of the land. This province, in its agricultural relations, especially in the prevalence of middle and large properties is not altogether dissimilar from England in her agricultural relations and prevalence of large properties. Neither is the dissimilarity of some Westphalian districts from England in respect of undivided property and social influence markedly great.

(C.)—*General Observations on the Results of Local Inquiries.*

134. I regret that time has not allowed me to do more than select and arrange with running pen the notes of my journey, according to the localities visited, under a couple of distinctive headings. I should have preferred to take the chief subjects treated in this Report, and to arrange, in illustration of each, the results of inquiries in respect of it at each place. I shall adopt, in a rough form, this plan for the following observations.

Prussia in 1800.

I hope, that not the least amongst the results of the local inquiries will be, that a better idea can now be formed by the reader of what the condition of Prussia was in 1800. The disadvantages of subdivision of property into intersected portions, as displayed in Wetzlar and Mülhausen,—the disadvantages of the three-field cultivation with field-compulsion, as displayed in Wetzlar, and the disadvantages of rights of common to be inferred from the advantages of their extinction, as displayed in Langensalza and Herford will, together with a simultaneous consideration of the agricultural, industrial, social, and political conditions of Prussia, as referred to in the course of this Report, enable one to picture the deplorable state of Prussia before the Stein-Hardenberg Legislation commenced.

Prussia now.

On the other hand, the sketch of Langensalza, Herford, and Hamm will assist one materially to form a correct idea of the present state of Prussia after the operation of the Stein-Hardenberg Legislation, especially if the direct results of that legislation, as stated in this Report, be recalled to mind.

Principle of absolute property.

135. As to the principle of absolute property for numerous owners which underlay that legislation, it must be acknowledged, after the many proofs of its fruitfulness in such different places and testimonies to its fruitfulness from such different persons, which have been added to those already recorded in previous parts of the investigation, that the adoption of that principle has been justified by its success as well as by its wisdom and policy. The moral benefits, and the material prosperity which it has conferred upon the peasantry, are to be distinguished from those benefits and that prosperity, which have arisen from other causes and unite to make the sum of blessing to the peasant. That prosperity has been forwarded by the principle of absolute property, so far as it is owing to the fact that the peasants now receive the increments of theoretical rent* which arise from the general prosperity and advancement of the nation, either locally or as a whole, and as it is owing to the fact that the investiture of absolute property has freed them from all restrictions of personal activity and from all fears of insecure occupancy and of disproportionate rent. That principle has distributed amongst a large number of peasant cultivators the profits from the increased value of the land, which, for the most part, would otherwise have accrued to a few lords. The peasant has certainly gained; and, if a wide distribution of property and of the value of such increments be a good thing, the State too has gained. The State has, however, gained most by the freedom of personal activity which the peasant now enjoys. The peasant too by that freedom is enabled to labour better, and to obtain greater returns for his labour, irrespective of the advantages which accrue to him apart from his own exertions. The principle of absolute property brought with it the necessary advantages of a commutation of rights of common and of a consolidation of intersected lands, by which the peasant has enormously profited. Prussia, in dealing with her former agricultural organization, cut the Gordian knot but left an inner knot still tied. She decided that the peasant should not only have full usufruct, but that that usufruct should be converted into absolute property. In order to shield the peasant cultivator from danger to his livelihood, from insecurity of occupancy, and possibility of extortionate rent, she invested him with absolute property, and thus decided that to him, and not to the large landowners or lords should belong the future independent increase in the value of the land. Prussia used justly the principle of expropriation, and gave the influence of her decision to the allegation that such an increase of value is better distributed amongst a large number than amongst a small number. Possibly the large number use it more reproductively than the small number could have done. But Prussia did not untie the inner knot, and it yet remains for a statesman to untie, who shall decide

* When I wrote this last part of the Report I had not seen Professor Cairnes' essay in the "Fortnightly Review;" or else I should have used "economic rent" instead of "theoretical rent."

between the merits of the three systems—of tenants and private landlords, of proprietary cultivators, and of usufructuaries under the State as landlord in respect of the theoretical rent.

136. As regards the advantage of proprietary farmers over tenant farmers under private landlords subject to private competition, it seems to me clear that the universal concurrence of opinion in Prussia is of great weight against the system of tenants, even with long agricultural leases. The lease should be twenty-four years, and then the State might again, as she has once done, commute long leaseholds into absolute property. It is possible that the large landowners will, in course of time, let their lands instead of farming them. But it is not all likely that the peasantry as a whole, will lose their lands and be converted into another kind of tenants.* If this did occur to any large extent, the spirit of the National Agriculture Legislation is such, and the opinions of men practised in the working of the former and present agricultural organizations are such, that it would not be astonishing to see the legislation reapplied. Wherever there are leases in Prussia, the legal maxim, *Quicquid plantatur solo, solo cedit,* acts as injuriously in Prussia as it does in England, as witness the possibility of iron sheds being erected on leased lands as recorded in paragraph 48. Moreover, improvements are often prevented by want of security on the part of the tenant cultivator, and want of interest on the part of the landowner. The tenant cultivator has the interest but not the security. In Prussia the security of the tenant is lessened by the law which allows the succession of a life tenant to determine the leases in a year. In England the interest of the tenant is still further diminished by strict settlements. This limitation on the powers of dealing with land is less prejudicial in Prussia because of the facts that only 15 per cent. of the land is here settled, or in mortmain, whereas in England 70 per cent. is said to be so settled, and that the costs of improvement are in Prussia necessarily charges at law on the settled estates. It is worthy of record in favour of proprietors as compared with tenants that agricultural tenants are found, with few exceptions, only on more or less inalienable lands in Prussia. It would almost seem as if tenancy could not exist in any strength where the exchange of land is freest. A large tenancy may be better than a small tenancy. But the risk of vicarious farming causes few but thoroughly instructed capitalist farmers to enter into a lease of large properties. The tenant farmers who have chiefly succeeded are the Crown tenants. But they had, till recently, very cheap leases, and they have, as a rule, a good improving landlord in the State. The leases concede free farming with scarcely an exception. The covenant not to sell straw without permission is an exception in respect of Crown leases. The system of tenancy is based upon the assumption that the landlord will never be opposed to the national progress or to the improvement of his land, and upon the assumption that the tenant will not be guided in his cultivation by the temporary interest which he has, but by a permanent interest which he has not; but these are mistaken assumptions as regards Prussia. The general opinion as to the usual superiority in respect of the nett returns and of the carefulness of the cultivators of small over large properties is confirmed by the results of the local inquiries.†

Proprietary farmers *v.* tenant farmers.

137. As to the Frank custom of equal division of land on inheritance and usually of the natural division of each portion of land, it is clear that the tendency of the former part is to promote a wide distribution of property, and that the inevitable result of the latter part is a prejudicial amount of minute subdivisions. But it does not appear from the relations of the localities examined that the unavoidable result of the custom is a warren of of paupers, or that the division of property has no limit. The subdivision must necessarily be much greater than the division, for the latter is constantly remedied by accumulation, but the former, until recently, was never remedied. It is always necessary to carefully draw the distinction between the division of land into property and subdivision of land into parcels in dealing with the question of peasant proprietors. After allowing for all the favourable counteracting influences and the unfavourable helping influences, it must be conceded that the alleged pernicious results of the Frank custom are not as evident or as prejudicial as one expected to find. Neither does it appear that the free exchange of land and this custom together have succeeded in destroying in an alarming proportion the middle properties, or, considering the increase of population in adding to the acreage of quite small properties and to the number of quite small proprietors. On the other hand, the Frank custom seems to have produced such qualities of character as have largely contributed to counteract its

Frank custom.

* There are, however, here and there traces of the working of the commercial principle and of other economic causes, but they cannot now be followed up. That of the commercial principle is mainly to be traced in a growing opinion that tenant farming is better than bailiff farming.

† Two frequent statements of German writers on agricultural economy deserve record. "Higher farming will diminish the size of farms." This is contrary to the English idea, but it is probably true. The other is "larger gross returns for small properties, but larger nett returns for large properties." Rau's famous table of comparison illustrated this; but many objections have been taken to it.

dispersive action. Moreover, it would seem that, both in the present generation and in a series of generations, the children of a Frank custom peasant come off better than the children of a borough-english or primogeniture peasant.

Custom of singular succession.

138. As to the custom of singular succession either in the form of borough-english or primogeniture, it does not appear to have been more successful than the Frank custom of plural and equal succession in preserving the team-requiring farms or in raising the social and intellectual standing of the families which enjoy its advantages.

A riculture.

139. It is not necessary, considering the imperfection of the local inquiries in consequence of the season of the year, to observe upon their results, excepting that, although agriculture has much advanced especially in some districts, it is in many districts more or less backward. Grass land is giving place to plough land, and stall-feeding is almost universal. There is much activity on the part of Associations and also persons in authority to reform and improve the methods of cultivation. The deficiency of horned cattle is being remedied in many places. There is not always a deficiency of floating capital, but a deficiency of perception of its need. The safe rule of bringing one's business within the compass of one's capital is too often disregarded by the proprietary cultivators of Prussia. Many would have a better income if they converted some of their land into floating capital. The carrying on of distilleries and beet-root sugar factories in connection with agriculture is a characteristic of the Prussian agriculture, for usually such establishments would be separately worked in towns. The immense value which a beet-root sugar industry gives to the land makes one wish to see it established in England or Ireland. Liebig, or a disciple of Liebig, once playfully said, "If a man wish to ruin his neighbour let him pursuade him to grow beets." But the success of beet-root farming in a series of years on the same soil shows that the ruin can be averted; and, knowing this, an Englishman can recommend the cultivation to Ireland. But the difficulties of its adoption are so many that it is not probable that it will, at any rate for some time, be introduced into either England or Ireland. There is little really high farming, except in connection with beet-root farming. The medium farming seems to be usually more remunerative than high farming.

Industry.

140. The influence of industry need not be more specially deduced from the statements already made. The frequent blending of the industrial and agricultural classes is considered a blessing to the district. The ease or difficulty with which small portions of land can be leased or acquired by the artizan is a subject of importance. But where a former hand and house industry has declined, the result is painfully visible. Spinning is still an important house industry, and weaving is practised in many districts. But it is the women who spin and the men who weave. Frequently the men weave only and the wife and family till the little property. This distribution, and to us reversed distribution of parts as regards indoor and outdoor employments, recalls that of the ancient Egyptian life, for, as Sophocles* writes, "There the men sit at home weaving, and the wives labour in the fields for the necessaries of life."

Peasant proprietors.

141. The peasant proprietors of Prussia possess the qualities which on all sides are acknowledged to be common to that class, viz., thrift, diligence, forecast, economy, and the like. But peasant proprietors are also called unintelligent, ignorant, and even brutalized, as if these unpraiseworthy qualities were the natural results of peasant proprietorship. One of two things, either judge the peasant proprietor by a standard equally applicable to all, or compare him with the corresponding class in another country with about the same advantages and opportunities as himself. If, then, he be found to be relatively or comparatively unintelligent, ignorant, and even brutalized, let the verdict be entered against him. But, so far as I have been able to see the Prussian peasant proprietor at home, I cannot think that the verdict would go against him. Compare, for instance, the Prussian peasant proprietor whose income is the same (prices being considered) as that of the English agricultural labourer. As class against class he will not come out of the comparison with disadvantage. Neither will the higher class of peasantry. It is sometimes said that productive land, a swarm of proprietors, and a brutalized or ignorant peasantry go together. They may; but even then, are they brutalized because the land is productive, or because they swarm as proprietors, or both? Or are they brutalized from very different causes? If so, it is no reproach to the productiveness of the land or the multitude of proprietors. One might as well say productive land, a few landlords, and brutalized agricultural labourers go together. But every one knows that productive land does not engender, and the paucity of landowners does not create brutalized agricultural labourers. I have not yet visited a district of peasant proprietors which satisfied the above three conditions, and I cannot attempt to

* My small and unhappily diminished classical knowledge did not enable me at the time I wrote this part of the Report to find this quotation, or to recall with accuracy the original. Hence its appearance in plain English garment.

discover why they are brutalized. But as regards the Prussian peasants they are often servile, because they have only emerged half a century from serfdom and forced service, and have had no freedom of action or thought under their former minutely paternal Government, and have not yet discovered that they are out of tutelage; usually defective in instructed intelligence, because they are nninstructed except in the elements of primary knowledge; sometimes too foolishly proud to labour or trade, and generally incapable of self-willed action. The servility will soon pass away. The instructed intelligence will probably come with instruction in about the same proportion as to other bucolic minds, judging by examples which have occurred. The foolish pride will be less easily cured, but the education of the military service and the increasing dignity of labour tend to cure it. The incapability of self-willed action is another result of over-government which is gradually passing away. The tendency to unbroken idleness shown by the landlord peasants of Magdeburg is exceptional; but there is much waste of time by many peasants. The tendency to niggardliness, especially towards the schoolmaster, of the same peasants and of other peasants, is not a result of peasant proprietorship any more than the other unfavourable points of character. It can be observed in all its glory in the corresponding classes of agricultural labourers and tenant farmers in England. The peasantry contains, it is true, a large number of ignorant persons. It is also true that—

> "———ignorance is the curse of God,
> Knowledge the wing wherewith we fly to Heaven."

But it is still more true that, unless a man have opportunities to get rid of ignorance and to acquire knowledge, it is not surprising that, whether peasant proprietor or peasant labourer, he should abide in ignorance. Before the reproach of ignorance can be addressed to peasant proprietors because they are proprietors and not tenants or labourers, it must be shown that each class has had its opportunities, and that the proprietors have not availed themselves of the opportunities, whereas the tenants and labourers have so availed themselves.

The happy medium of land for a peasant proprietor is that which shall keep himself and family regularly employed throughout the year. As soon as he understands the true value of leisure and prefers not to waste time unoccupied on the farm, he will not require constant employment on his land to prevent the evil of a useless leisure. When, too, he understands better how to think for himself instead of allowing others to think for him, as he is now apt to do in consequence of the effect upon him of the Government always thinking for him, he will cast off all those indications of requiring tutelage, which render many timid of the result of his freedom. In the meantime he has the good quality of being a law-observing subject of the Realm. If the peasants need no longer to protest by their acts, "Omnes legum servi sumus, ut liberi esse possimus," they still give this proof that they will be able to use their freedom without abusing it.

Labourers.

142. I did not find any class of labourers resembling those, of whom paragraph 89 of Part III speaks, as forming one end of the agricultural social scale. But the labourers are sometimes wretchedly placed; although, on the one hand, they do not furnish any class of permanent paupers; and, on the other hand, they seem to be, on the whole, in as good a position as, if not a much better position than, the English agricultural labourer.

It may be said that in the Western Provinces and Saxony one only sees the sunny side of peasant life. This is probably true. Mr. White's Report will, no doubt, give glimpses of the less sunny side of peasant life.

Race and religion.

143. It may have been observed that I have not touched upon the influences of race or religion. Such influences can be better studied in the Eastern Provinces, where races and religion mingle.

A last note is that there are evils which affect the cultivators in an indirect manner by affecting more directly other classes. The one is the mistrust which the former unfortunate blending of justice and politics caused. It is so much easier to do a mischief than to undo it. The other is the evil of over-centralization. Its pernicious influence is felt in many directions. It certainly injures the position of the local authorities, and has taken away the charm from that useful institution—the county counsellor.

Centralization.

In this brief account of the results of my journey, I have avoided a multiplicity of references to the other parts of the Report, and a repetition of facts stated elsewhere. It is assumed that the reader will have arrived at this account of the local inquiries with a knowledge* of the facts and opinions marshalled in the preceding pages of this investigation. Neither have I pointed out the confirmations obtained in each place of many statements already recorded. But it seems to me that the results of the inquiry into the

* In judging, for instance, of the agricultural development of a locality visited, it will be necessary also to bear in mind the physical conditions and agricultural relations of the province as described in Part III.

Local inquiries have confirmed previous statements.

local opinions of men of all classes with the accompanying and local facts unmistakeably confirm in all essential points the conclusions set forth in the preceeding Parts of the Report, as well as illustrate and render more real the facts of the former and the present agricultural economy of Prussia.

Review of the whole Subject.

He who climbs an Alp, halts half-way to obtain a general view of the varied country through which he has passed in order to reach that stage in his ascent. He *halts not* to stay, but only to climb higher. The writer of this Report halts in his investigation of Prussian agricultural economy, conscious that he has only reached half-way, and that he has not yet reached the towering summit from which all the features of the country can be surveyed in their true importance. But, unlike the climber of the Alps, he halts to stay, and not to climb higher. He can, however, mark with an equal regret, that in the course of his journey through the unknown land, here an interesting feature has been unseen or meagrely sketched, and there a less interesting feature has received undue prominence.

Early settlement.

Imagination can picture in remoter human time the disappearance of the aborigines of Germany before the migrations from the East, and in later time the appearance (after a long series of wanderings and interminglings of the new races) of the tribes, of which Roman ears heard and which Roman eyes may have seen in Roman Germania. Vision can dimly penetrate to the periods of transition from nomadic to pastoral life, and from pastoral life to the beginnings of German civilized life with its primitive tillage, and its peculiar customary descent of land. But vision can discern more clearly the outlines of the earlier aggregation of Teutonic life into land communities, of which the distinctive principle was association with property in common, and which have, by their resulting diversity of estates and commons, fashioned many a feature in the historical and contemporaneous prospect of Teutonic land. In the time of Charlemagne, one obtains glimpses of the establishment of the military marches for protecting the frontiers of the Holy Roman Empire. But already, before his reign, arises the little cloud, which eventually overshadows Germany with the darkness of the feudal system. Under King Otho I, although the nobles are still disinclined to enrich themselves with lands on feudal conditions, the system is already the foundation of the State subsisting little by law but chiefly by traditional custom. Until it arises on the doubtless congenial soil of Italy, its incidents are not set out in legal form, but the unwritten and written feudal law of Lombardy* is subsequently reflected in the feudal law of Germany. The feudal system soon extends throughout all classes. The vassal imitates the Sovereign, and the nobles imitate the vassals; neither are the ecclesiastical dignitaries slow to follow; so that gradually feudal tenures of various kinds usurp, with few exceptions, the former rights of peasant and noble to the absolute as well as the usufructuary ownership of land. This distinction between absolute and usufructuary possession is an idea of double ownership, which was introduced by the civil jurists to give legal precision to the rough conceptions of Teutonic custom. It is the peasant who suffers the most from the obliteration of old Teutonic customary law and the inscription of juristical feudal law. The vassal or noble endeavours to compensate himself for his comparatively small loss of freedom of property, by forcing gently or roughly the peasant to "commend" himself and his lands to the vassal or to the noble as lord. Thus, the previously free peasant becomes a tenant for rent in the shape either of military services, or agricultural services, or of money, or of divers combinations of two or all of these, which services may vary from trifling burdens to forced labour and serfdom. It is, therefore, no wonder that there are bloody spots in the landscape, for the peasants remembered well their real rights and the "Sachsenspiegel" carefully reflected them. It is rather a wonder that they regained so little, before this century began.

Land communities.

Military marches.

Feudal system.

In connection with the feudal tenures and the military marches arise various Courts of jurisdiction, of which, despite the national agriculture legislation, one can still see vestiges of unnecessary protuberance within Prussian territory.

* The word "feudal" now takes a place in history, but one is obliged to use it for the earlier development of the system, although it little corresponds to the Teutonic idea as contained in the German word "Lehen." I am no philologist, but the usual derivation of feud seems to me rather improbable. In the first place, does not the history of the word and its derivatives show that it only appears about the time of the rise of the system in Italy, and its propagation in juristical garment in Germany? In the next place, if "feudum" be derived from old High German and Saxon, where is the corresponding word in the languages of the Teutonic peoples, and why is "Lehen" the vulgar German word? Lastly, the conception involved in the usual etymology is inaccurate, for the feud is an estate in trust for future services and not in reward of past services. Consequently, it would seem to be more nearly connected with the Latin "Fides" than derived from the old High German "Feh" reward, and the Saxon "Ohd" possession. If "feudum" do occur in documents before the twelfth century it may have come through the old Norman "Fidz," *anglicè*, fees.

The feudal tenures resemble in many respects, but differ in some not unimportant incidents, from the feudal tenures of England. Most of the base tenures can, however, be designated as in the main the older villein tenures, and the later tenures by copy; but there is no complete identity. Moreover, in North Germany it was generally the lord who, by force of law, encroached upon the peasant's rights, and not the tenants, who, by force of custom, encroached upon the lord's rights.* Feudal tenures.

One descries three kinds of colonization within the area of North Germany; the colonization in villages with feudal tenures, of the Eastern lands, into which the Othos had previously carried fire and sword with unparalleled devastation; the colonization, also in villages, of various parts of North German territory, by means of grants of manors or otherwise, on condition of colonizing; and, lastly, the colonization, in more or less widely distributed farms, of the North-West districts of North Germany. Colonization.

Thus, at the end of last century the agricultural economy of the territories, now composing Prussia, is the net result of an intermingling of Teutonic customs, feudal law, and a peculiar colonization, and also of a not unimportant element of intervention by the Sovereign. This intervention of the Sovereign is on grounds of political, military, and commercial need favourable to the peasant in respect of certainty of tenure and of preservation of peasant land. Whereas in England the peasant (customary tenant or copyholder) could only rely upon absence of precedent to preserve certainty of tenure; in Brandenburg, and subsequently in Prussia, he could rely on the enactments of positive law. But the English Law Courts under Edward IV had already secured for the copyholder the certainty of tenure which the Royal Decrees of Brandenburg and Prussia subsequently secured for the Prussian peasant. The most important object of the intervention of the Sovereign in Prussia was the preservation of the peasant lands from the rapacity of manorial or quasi-manorial lords. It was in this direction that the wisdom of the Hohenzollerns secured for the future Prussia a most fruitful advantage. Their intervention caused, in fact, the preservation of a landowing peasantry, which united by a most important link the ancient Teutonic peasant proprietors with the modern Prussian peasant proprietors.

At the beginning of this century, Prussia is, without regarding territorial changes, very different from the Prussia of present time. Then the Monarchy is absolute; now the Monarchy is constitutional. Then the laws are certainly not enacted "consensu populi, constitutione regis" according to ancient Teutonic, or at any rate Frank, custom. Now the people are represented, and the Sovereign is theoretically a moderating power. Now legislating chambers exist, discussion is free, voting occurs, and political power is increasing. Then, the laws of the land, although for their age they contained such patterns of legislation as the Body of Law and the Law of Mortgage, are certainly defective in a statesmanlike application of known principles, and are defective in spite of the wisdom and intelligence of many a Sovereign in gleaning knowledge from the thinkers of the nation, in spite of the lessons of statecraft learnt chiefly from French examples; but also from many an English example; and in spite of the terrible instruction offered by the recent French Revolution. Political life is the life of a watch without a main-spring and balance-wheel. The peasant, burgher, and lord are the wheels in their respective places, each fixed and unmoving except by impulse from without, and each the reverse of automatic. It is true that they all revolve together with a certain precision, each in its unchangeable place, but the movement is irregular and the precision is accompanied by no regular progress. Each subject of the State is naught but such a wheel in the machinery, and is deprived of all freedom of self-willed action. Is it therefore wonderful that the mechanical thrall is not yet always the automatic citizen, especially if it be recalled that the constitutional organization of Prussia is of comparatively very recent date? Prussia in 1800 and 1870.

The industrial occupations, mainly that in linen manufactures, of the Prussian people are, at the beginning of this century, of comparatively small value. Their external commerce is of still smaller value in spite of the foundation of the "See-handlung" and the "Preussische Compagnie" by Frederic the Great, and the maintenance of the former by subsequent Sovereigns. The chief trade by sea seems to be with Holland and Spain in linen goods for exportation, and salt for importation. The mercantile system of economy had hitherto flourished, and even Krug, who writes about this time, belongs less to the school of Adam Smith than to a transitional school from which the errors of the mercantilists are not yet eliminated. Hence it is not astonishing that Frederic the Great had tried to secure his object of developing a sea commerce by means of monopolies. But it is a striking commentary on such attempts, that the "See-handlung" did not flourish as Industry.

* This is the usual view of copyhold in England, but some hold with seeming reason that the copyholders or customary tenants were merely regaining former rights.

a self-supporting institution, until it had lost its valuable monopolies. The development of the nation is every where hindered by monopolies, restrictions of classes, prejudicial taxes, and other economical falsities which weigh heavily upon industry. The long strides in industrial legislation and development which Prussia has made, have conspicuously changed the aspect of her industry.

rban population. The people of the towns, where alone industry and commerce reside, have, however, a greater freedom of action than the people of the country. The urban life is better fitted to produce individual liberty. The quicker course of trade of a town impels more quickly the current of its social life. The shrewder questionings of the burgher, who associates more closely with members of the learned professions, causes an earlier development of social and political knowledge. The busy lawyers have no mean share in this result, and in Prussia it is evident that the studies of the civil jurists caused the towns sooner than the country to obtain the benefit of arrangements, better suited than the traditional arrangements, to meet the exigencies of a developing intercourse and traffic. But, although urban development so far surpasses rural development, the town population suffers like the rest of the population from the disadvantages of the restrictions of classes, for the burgher must ever remain a burgher, and, as long as the guilds remain in full power, a

ural population. man can seldom quit the occupation into which he may enter or be born. The rural population suffers also from the disadvantages of the restrictions of classes, and the cultivating portion suffers in addition from the unfavourable state of things delineated in the following paragraph. Neither is the noble free from the universal hindrances; he and his too are for ever noble, and can in no wise intermingle with other classes.* The occupations of each class are also distinctly marked out, and the noble for instance cannot occupy himself in the special occupations of townsmen. This fencing off of each class, and of each class within a class, is on the face of it an unconscious acknowledgment of the doctrine of a selection of species, but in the soul of it an utter negation of the doctrine.†

gricultural popu- The agricultural population groan under still more unfavourable conditions of life.
tion. A large number of the peasants are serfs, and few of the rest are free from oppressive burdens under the feudal system. The lords, too, are usually hemmed in on every side by obstacles of various magnitudes. The position of the lords is scarcely less intolerable than the position of the peasants. The opposing interests of peasant and lord engender animosity and multiply disputes. Agricultural development is a painful and slow process.

ommons. The numerous and extensive rights of common oppress every homestead, obstruct all

tyle of farming. progress, and destroy all energy. The three-field system of cultivation is universal or nearly universal, and is either compulsory or imposed by circumstances. The resulting agricultural waste in time, labour, and produce is enormous. Moreover, the minute subdivision of the properties in land into many parcels is exceedingly prejudicial in many parts of the territory. The circumstances of all classes are straitened, and the poverty of the peasants is great, for even the better situated peasants (such as the "Colons") cannot prosper. The national wealth is dissipated by an antiquated system of land

easants. economy and by an unpractical system of cultivation. The peasants, as men, lead a hopeless life, and, finding it impossible to surmount all the obstacles outside themselves, to progress, sink for the most part into a stupor of content or discontent, as the case may be. If it be true that the character of the peasant, shaded in grey as it may yet be, is then shaded in darker lines, is the fact surprising? If it be feared that the character of the peasant is too deteriorated to justify his investiture with absolute property and his emergence from the paternal protection of the lord, is not the fear natural? If, too, the deterioration be asserted to be an inborn defect of race or of long-inherited imperfections, and, obviously, a thing apart from the long subsisting system, is the assertion unrepeated in the world's history of previous or subsequent date? But whatever that deterioration of character is at the beginning of this century, a few more years of the old social and political system pass, and then the peasant is entrusted with the exercise of the rights of absolute property, even if those rights do not represent ancient Teutonic rights. The grievous defects of the Prussian agricultural economy are then on all sides recognized, and, whereas in France a terrible revolution had removed similar defects, in Prussia an admirable legislation, evoked suddenly by a national disaster, begins, without a revolution, to produce a most wonderful transformation of the former agricultural economy into the existing fruitful and beneficial organization of her agricultural forces.

revious prepara- At the beginning of this century the examples of England and other States had been
on.

* Possibly the former curious position of so-called morganatic marriages in Prussian law may be owing to this careful and precise separation of classes.

† So also are the phenomena of peasant marriages for land. If the marriages were arranged to secure farming intellect, then a nearer approach to Darwinian doctrine would occur, and a Galton might discover hereditary farming genius *à posteriori* as well as *à priori*.

marked by intelligent observers from the Sovereign downwards; the tentative laws of Silesia had already shadowed out the possibility of a radical alteration; the University of Königsberg had already begun to disseminate the principles of a better political and social life; and a general quickening of ideas on all questions of State organization had followed the news of the French revolution. Thus the crop has been grown, and the measures of a few years later, for which public opinion was not in the reign of Frederic the Great ripe, find a ripened and fruitful public opinion to nourish them. For whatever weight be laid upon the powerful lever which the urgent necessity to reorganize a shattered State placed in the hands of statesmen, great stress must be laid on the fact that the materials were already at hand wherewith to accomplish that reorganization. The opinions were matured and the men were prepared. The nation in fact was ready to undergo the necessary metamorphosis. It is wisely said that—

"In the reproof of chance,
Lies the true proof of men."

But what is true of man is true likewise of a nation. It is assuredly true of Prussia, for she has shown by her felicitous reorganization and quick development since the disastrous day at Jena, that in the reproof of chance lay the true proof of her people.

Stein and Hardenberg.

This reorganization takes place under the auspices of Stein and Hardenberg and of their coadjutors and successors. It is impossible to enumerate each helper or, within the compass of this report, to give to each his due share in a legislation extending over half a century. But of the coadjutors, Thaer and Schoen at the commencement, and the late Dr. Lette at the end, of that half-century, have been already mentioned. The reorganization was effected by certain military measures, by the National Agriculture Legislation, and by an important legislation on other subjects. There is no need to mention further the military reorganization, by the aid of which the Prussian army in a few years occupied so different a position amongst the armies of Europe. Neither is there any need to enter into the details of the prolific legislation, which advanced side by side with the National Agriculture Legislation. But it is desirable in this summary to epitomize the legislation initiated by Stein and Hardenberg for the abolition of the feudal system and all the evils connected or associated with it. This legislation, broadly considered, had for its object to develop the national wealth and strength by completely severing the relations of lord and peasant and rendering each independent of the other, and each as independent as the other. The attainment of this object involved, the investiture of the peasant farmer with absolute property; the abolition of all charges and services from trifling dues to forced labour and serfdom; the removal of all hindrances to individual action such as rights of common; and the adoption of every facility for the promotion of agricultural progress. The famous Decrees of 1807 and 1811 lay down the principles and initiate the methods by which this four-fold attainment of that object is to be sought. The Decree of 1807 throws down the fences between class and class, concedes alienability and divisibility of land, uses for some purposes the temporary expedient of hereditary leases, and abolishes serfdom and servitude for the land. One Decree of 1811 removes all hindrances of the public law and many hindrances of the private law to the freest exchange of land, and deals tentatively with rights of common. The other Decree in 1811, invests all peasant farmers and peasant landowners with absolute property, and commutes all mutual rights and obligations of lord and peasant. For the standard of payment the Decree selects a transfer to the lord of one-third of the peasant's land, if he have hereditary rights, and one-half if he have no hereditary rights; but payment in capital or in rent-charges of money or kind is allowed, and the standard can, as to its proportion of the peasant's property, be deviated from, on sufficient cause being shown. Although therefore the State strikes the balance of commutation and selects the standard of payment, it does not insist imperatively and without appeal upon its rough and ready standard.*

National Agriculture Legislation.

In 1807.

In 1811.

The absence of foreign danger seems, after the Peace of Vienna, to have caused the not unnatural opposition to the Stein-Hardenberg Legislation to acquire such strength that in 1816 the sphere of its operation was much restricted. Henceforth, till 1848, all peasant holders of land,—who were not assessed to the land tax, and did not possess team-requiring farms, and had not been settled on the land since the middle of the previous century, and whose land was not subject to the obligation of being occupied by peasants—were excluded from the benefits of the Legislation. This exclusion acted most prejudicially upon the position of the peasantry, especially of the smaller holders of land in Silesia, and

In 1816.

* There is a curious confirmation of the prevalence of the three-field cultivation, in the fact that the Decree mentions two methods of paying the rent charge, either by giving up to the lord the produce of one of the three fields, or by giving up to him one-third of the aggregate produce.

even of large holders of team-requiring farms in East and West Prussia. There was, however, a gradual but slight relaxation of these excluding conditions, until the events of 1848 caused not only many provisions of the previous lagislation and all traces of this exclusion to be effaced, but also a more thorough and almost revolutionary legislation to be inscribed.

1850. The legislation of 1850 abolishes, without compensation, unless they be attached to the grant of land, certain obligations and rights, of which the chief arose out of the feudal dominion and jurisdiction. It abolishes, with compensation based upon normal prices, all other obligations and rights, and regulates similarly the property relations of lord and peasant. There is now no standard of payment, but the balance of commutation is found in the presence of the interested parties, and is paid by the peasant in money or money's value. But no such a balance can exceed two-thirds of the value of the peasant's land. There are various reasons of equity for this limitation, as well as the paramount reason of State policy, that the peasant should be able to discharge his pecuniary obligation without being forced to dispose of his land. The Special Procedure* is improved, and rent-charge banks for facilitating the payments of commutation by the peasantry are established.

It is worthy of note that, throughout the period of this legislation, peasants, whose settlement on the land could only be traced back to the middle of last century, had always a claim to the benefit of absolute ownership, and that in its earliest period, and in the period since 1850, peasants, whose length of settlement may have been much shorter, could also claim that benefit.

tinction of mmons. As regards extinction of commons, the tentative provisions of the Decree of 1811 are expanded in 1821 and 1845, but the legislation is scarcely effectual until the law of 1850 gives to it its present form. All rights of common are to be commuted on an equitable basis. A compulsory consolidation of intersected land is combined with this extinction of rights of common.

nd and agricul- al improvements. The National Agriculture Legislation does not omit references to the development of agriculture by various facilities, and the State, both directly and indirectly, promotes land and agricultural improvements of all kinds, from the reclaiming of bogs and works of irrigation to the establishment of agricultural associations and the employment of meadow and fruit masters. As to land improvements the application of the principle of association, combined with a certain amount of compulsion, is deserving of attention, for the interests of the community or State are thereby rendered paramount to the obstruction of the individual.

e work accom- hed. The fourfold attainment of the object of the National Agriculture Legislation was thus sought, and has been now accomplished or remarkably promoted. The peasant farmers have been invested with absolute property in their lands. All peasants, holders or not of land, have, sixty years ago, ceased to be serfs, and have for the most part long ago profited by a commutation of the obligations and rights involved in their relations with the lords. The hindrances to individual activity, and mainly the hindrances from rights of common, have been removed, and facilities of various kinds have promoted agricultural progress. The former relations of lord and peasant are completely severed, and each is independent of the other, and each is as independent as the other. Hence not only the peasant but the lord, and indeed all classes, have gained by this legislation. The national strength has been enormously fortified, and the national wealth has been immensely increased in consequence of the freedom of individual activity procured thereby for the economic labourer. There can be no doubt that the rapid development and great prosperity of Prussia would not have been without such a legislation; nevertheless they are not to be attributed to that legislation alone.

ect results. It is not, however, sufficient to merely state in general terms that a given legislation, which has successfully accomplished by its provisions the objects of statesmen, has conferred on the nation incalculable benefits. It is necessary to look at the direct and indirect results of that legislation in order to comprehend more clearly what such benefits really are. The regulation of the property relations of lord and peasant affected on behalf of the latter a sixteenth of the area of the five eastern provinces in which it was needed. But this official sixteenth does not represent the whole benefit, for the area of peasant property regulated under the permissive clauses of the law is not included. The abolition of services of forced labour released the peasants from $5\frac{1}{3}$ millions of days of hand-labour and $21\frac{1}{3}$ millions of days of team-labour. Dr. Meitzen estimates that the waste of labour under the former system was equal to a fourth of the day, and consequently to $1\frac{1}{3}$ millions of days of hand-labour and $5\frac{1}{3}$ millions of days of team-labour, which he calculates at a

* A full examination of the Special Procedure has been omitted in Part II, because it had been intended to supplement the sketch therein by such an examination in connection with the different Special Procedure instituted for the new Provinces.

present national gain of a minimum sum of 750,000*l.* a year. The commutation of real charges and services has caused a sum of 28,500,000*l.* sterling to pass from the peasant to the lord. If these calculations be true, then the value of the commuted labour to the lord was 2,250,000*l.* a year, whereas the capital they received only yields, at 4 per cent., one half of that sum annually. If, therefore, there had been nothing more in the operation than the exchange of one commodity against another commodity,—of land against labour,—the peasant must be held to have gained and the lord to have lost pecuniarily by the bargain. But this conclusion is reversed, or at any rate equalized, by the consideration that there existed various other rights on the part of the peasant and various other obligations on the part of the lord which entered into the account for commutation. For if the value of them could be deducted from the value to the lords of the labour days, then probably the remainder would correspond very nearly with the interest on the capital sum. But however this may be, the fact remains that that enormous sum was due, and has been paid to the lords by the peasants. The extinction of rights of common affected a half of the area of the kingdom, chiefly by the removal of the almost universal commons of fallow and stubble grazing. The consolidation of intersected lands has already displaced the evils of subdivision in most districts of the eastern provinces. The two processes of commutation of commons and of consolidation of intersected lands have together cleared away the many hindrances to agricultural progress which previously existed by reason of prejudicial commons and of wasteful subdivisions. If to these be added the direct result of great freedom of exchange in land, which the concessions of unrestricted alienability and unlimited divisibility produced, the sum of advantages which have arisen from its direct operation is certainly of sufficient magnitude to warrant the assertion that the national strength has been enormously fortified and the national wealth immensely increased by the National Agriculture Legislation.

Indirect results.

Moreover, there are many indirect results, which accumulate to warrant still more clearly that assertion. As to the national military strength,* one might mention the value to the army of the proprietary peasantry. But there are other indirect results of even more importance. The land improvements of the previous era were certainly on a grand scale, but they were necessarily works undertaken by the State. The land improvements of the present era have gradually grown independent of the leading strings of the State. The undertakings of the last twenty years, which embraced an area of 2,000,000 acres, or 2·7 per cent. of the Kingdom, have been accomplished at an average expense of 1*l.* 4*s.* 6*d.* per acre. of which the State found only 2*s.* 6*d.* In the previous era no such a signal proof of individual activity would have been possible. The more equitable assessment of the land tax, the rise of agricultural academies, the beneficial distribution of agricultural associations, and many other indirect results might be cited. But the most important is the progress which agriculture has made since her forces were unfettered. This is manifest from many special instances, and is evidently true of the Kingdom as a whole. It requires little imagination after reading the account of the present agricultural conditions of Wetzlar, and after remembering that the three-field cultivation then existed under still more unfavourable conditions, to picture the deplorable state of agriculture at the beginning of this century. It is of course assumed that the physicial conditions of agriculture were the same formerly as now, and correspond to the description of them in this Report. From the sketch of the present picture of agriculture it will have been seen that the contrast is now most striking, however backward agriculture may still be in many parts. It is not intended to ascribe even to the indirect action of the national agriculture legislation the whole progress of agriculture, but it is intended to affirm that all the other influences would not have sufficed to produce this advancement, unless that legislation had unbound the fettered forces of agriculture.

Justification of its principles.

But it is not enough to cite the direct and indirect results of the Stein-Hardenberg legislation in order to justify its existence and prove its necessity. It is also requisite to take the leading principles of that law and to inquire whether experience has shown their wisdom and demonstrated their policy. Its chief principle was undoubtedly the investiture of the peasant landholder with absolute property subject to all the influences of the freest exchange in land. Now, according to Roscher, it is important that the middle proprietary cultivators should predominate, and that they should maintain their position. The land, exclusive of the Rhine Province and the provincial district of Stralsund, in the hands of team-requiring and small peasant proprietors is 40 per cent., and of other private individual

* The object of the feudal system was to secure military strength by surrounding the Sovereign with vassals, and the vassals with soldiers interested in defending the Kingdom. The system of proprietary cultivators in Prussia secures this object far better, for the large landowner is surrounded by a multitude of independent small landowners, equally interested in defending the Kingdom, him and themselves. The similar interest of the tenant would depend upon the value of his interest in his farm.

proprietors is 45 per cent. Of the 40 per cent. about 5 per cent is held by small peasants, the remaining 35 per cent. being held by team-requiring peasant proprietors. The distinction between team-requiring farms and large proprietors is not clear, and it is not easy to estimate how much of the 45 per cent. held by large proprietors is held by middle proprietors, meaning proprietors of farms from 20 to 400 acres. But after a consideration of the numbers of large peasant proprietors, and of large non-peasant proprietors, it will be approximately accurate to take the per-centage of land in middle proprietors at 15 per cent., for the non-peasant class, and 45 for the peasant class; and thus to consider 60 per cent. out of 85 per cent. as representing the entire importance in the State of middle landed property in the hands of private individuals. 'Moreover, the number of middle proprietors, including the Rhine Province and the provincial district of Stralsund, exceeds 400,000, as compared, on the one hand, with the 18,197 large proprietors, and, on the other hand, with the 200,000 small independent farmers and 1,200,000 smaller proprietors, making in all 1,400,000 owners of the 5 per cent. of area above-mentioned, and of whatever the per-centage may be in the Rhine Province. As to whether middle proprietors maintain ther position it can only be affirmed in general terms that the middle non-peasant proprietors have not on the whole lost ground. But as regards the middle peasant proprietor, the information is more precise. The team-requiring farmers decreased in forty years by 5·11 per cent. in area, whilst the population of the Kingdom doubled; but they actually increased both in number and area in numerous districts. If, therefore, Roscher's definition of a sound agricultural organization be admitted, it must also be admitted that the existence of a predominant middle proprietary class, and the self-maintenance of that class against the adverse influences of doubled population and of free exchange of land, and in some districts of equal division, are an ample justification of the wisdom and policy of the principal of absolute property adopted by the Stein-Hardenberg legislation. But the legislation is also justified by the moral and material prosperity, which the peasantry enjoy wherever its leading principles of absolute property, of free exchange, and of individual activity have had time to produce their usual fruits. After making every allowance for every other influence promoting that prosperity, it must be conceded that a large share is owing to the influence of those principles. No legislation is of course effectual to transform unfavourable conditions of climate, soil, and position into favourable conditions, but this legislation certainly enables the peasant to battle more successfully with the unalterable conditions of his life.

Public opinion.

If a further vindication of the National Agriculture Legislation is needed, it is to be found in the fact that, whatever hardships it may here or there have inflicted, there is scarcely a voice raised in dissent from the praise universally bestowed in Prussia upon its wisdom and policy. "The opinion of good men is knowledge in the making;" but the opinion of good men respecting the phenomena of a daily experience is knowledge made and a law in the making. Such an opinion is to be gathered in Prussia respecting her present agricultural economy.

Corresponding legislation of England.

In regard to the National Agriculture Legislation of Prussia it will be interesting to the English reader to notice that it covers in fifty years an area occupied by a legislation of six centuries in England. Our corresponding legislation extends through a long series of statutes, cases, and Acts of Parliament. It begins with the Magna Charta; it contains the famous statutes De Donis Conditionabilis, and Quia Emptores and the important case of Taltarum, marking the struggle for alienability, and also the statute of Charles II, abolishing feudal tenures; and it ends with with the Copyhold Enfranchisement Acts.

In England the feudal system fell asunder sooner. The freeholders, being useful to the barons, obtained at an early date a better position, but the customary tenants had to struggle during scores and even centuries of years to get their rights acknowledged, and in the struggle too many disappeared. Both freeholders and customary tenants have now practically ceased to form part of the agricultural economy. Whereas in England the State left the ill-protected customary tenant to his fate, in Prussia the State took charge of the destiny of the corresponding class of customary tenants. Prussia has evidently these advantages over England; first, that she has accomplished in fifty years a task which occupied us, with our non-interference of Government, for six centuries without our accomplishing it so thoroughly, and secondly that, on the assumption that the existence of numerous landowners is beneficial in a State, she can, in the present day, better preserve her yeomanry and peasantry than England did in past days.

Other Prussian legislation.

Entails.

The legislation, other than the National Agriculture Legislation, affecting land can only be referred to and not epitomized from the already brief statement of it. On the whole, the Prussian system of settled estates is about as advantageous and disadvantageous as the English system. But its adoption is so limited that it restricts in a far less

degree the free exchange in land. That free exchange is, on the other hand, promoted by cheap facilities of transfer. The new mortgage law will also promote the free exchange and give freer space to real credit.* The equal division of intestate property, whether it be personal or real, and the recognized claim in law of children to certain fixed portions, constitute two important differences from English law. The law of landlord and tenant is more favourable to the latter, but as it is private and not public law, contracts displace many of its provisions. But eviction remains a more difficult process than in England and Ireland.

Transfer of land. Mortgage. Intestacy. Indefeasible inheritances. Landlord and tenant.

The position of Prussia is not only favourable in respect of the National Agriculture Legislation. It is also favourable in respect of the small proportions of land in the dead hand of the State, of the Church, of charitable institutions, and of settlement trustees. Her industrial development and the enlightenment of her legislation in all its branches, forming so great a contrast to the præ-Stein-Hardenburg era, have acquired for her enormous advantages. It is therefore imperative, whilst reserving a due share of the praise for the National Agriculture Legislation, to bear in mind that Prussia owes her present prosperity to many other causes operating together with that legislation.

Prussia has indisputably the foundations of a sound State. The imperfections of the structure will no doubt be quickly removed as time advances. She may learn some things of warning and instruction from the example of England, and England may learn many things of warning and instruction from the example of Prussia. England can assuredly mark with instruction the course of Prussian Agrarian Legislation, even if she do not learn from it a possible and practical method of dealing with the land question in Ireland. If other methods fail, she may eventually adopt the method employed so successfully by Stein and Hardenberg to settle the land question in Ireland. If then, after failure shall have attended other methods, success shall attend such a method, the confirmation of the wisdom and policy of a system of proprietary cultivators would be so notable that the law, which is now in process of making in Prussia, would become a law unto all nations in altering their agrarian legislation. But whether or not this may occur, Prussia can with pride point to all the numerous branches of her legislation during this century, and can justly declare, in virtue of their fruitfulness, that Goethe would not certainly address to Her the reproach—

The Prussian State.

"Vom Rechte das mit uns geboren,
Von dem ist leider NIE die Frage."

In closing this Report I desire to recall the intention of its plan, viz., to assemble together from the whole field of inquiry such facts and opinions as should seem to be fitted to fill in both general pictures of Prussia as she was and as she is, and also a special picture of her agrarian legislation, with the object of thus delineating the position of land in the monarchy. I have accordingly endeavoured to make the Report a record of those facts so far as they are known to me, and a mirror of those opinions, so far as they predominate, and to abstain myself from expressing any opinions of my own. At some points of the inquiry it has been of course necessary to express a personal opinion, but as a whole the opinions inscribed in this report are the opinions to be gathered from men and books in Prussia. Indeed, so far as regards the economic and social principles of agricultural organization my own predilections were towards that which is the favoured system of my own country. But whatever may be the imperfections and short-comings of this investigation, I can confidently claim for my Report the motto of Montaigne, "Cecy est un livre de bonne foy."

Plan of Report.

If I have ever allowed my own individuality to appear in the foregoing pages, it has chiefly shown itself in the summaries, with which I have closed each part of the investigation. But in them also I have seldom added to the opinions of others the opinions of myself. In fact I have gathered the materials—and I may have overlooked some better materials and collected some less useful materials,—but I have left to more capable workers the agreeable labour of extracting such usefulness as the materials may yield. I may, however, venture in this review of the whole subject, to arrange in brief terms the conclusions which have been reached respecting Prussian agricultural economy; to add a few observations upon the economic principles of the systems of tenancy and proprietary cultivators; and to draw a special inference with respect to possible legislation on the land question of Ireland, and several general inferences with respect to defects in the land system of Great Britain.

* As the subject of real credit has been forced out of this Report, many interesting questions have been untouched. Amongst these are the value of land as affecting the past and the future of Prussian peasant proprietors, and also the influence of the Prussian peasant proprietorship upon real credit. Another would have been the amount of the rent of Prussia, which may be roughly taken at 50 per cent. more than the net returns of the land tax.

The conclusions can be thus arranged :—

Conclusions.

1. Prussia owes her prosperity to many causes besides the regulation of property in land, and even the Stein-Hardenberg legislation as a whole.

2. This regulation of property is the first cause in a series of causes, without which the others could not have acted.

3. That legislation abolished serfdom, regulated peasant properties, commuted real charges and services, and accomplished these results with remarkable success—

(*a.*) On the basis of investiture of cultivators with absolute property;

(*b.*) Without any great dislocation of interests;

(*c.*) By a special procedure, unfettered by any rigorous standard and rules; and

(*d.*) In the second period by the help of rent-charge banks.

4. The present agricultural economy, with a predominance of middle properties corresponds to the theoretical organization advocated as the best by many political economists, and is supported by a practically universal assent to its wisdom and policy.

5. The national agriculture legislation also abolished, on commutation, all rights of common, to the enormous advantage of agriculture, and with almost equal benefit to that derived from the creation of an independent peasantry.

6. This legislation promoted land improvements of a most valuable character by laws with the apparently successful innovation of compulsion.

7. The restrictions on land by settlements and entails and the like are much less than in England.

8. Transfer of land and the mortgaging of land is cheap, and will soon be cheaper as well as more easy.

9. The exchange in land is much greater than in most countries, and operates beneficially.

10. The law of indefeasible inheritance in favour of children acts beneficially.

11. The law of intestacy, prescribing equal division, is seldom allowed to operate, for deeds and wills generally regulate inheritance.

12. The proprietors are, *cæteris paribus*, better than tenants—

(*a.*) As regards the individual cultivator; and

(*b.*) As regards the State.

13. The smaller properties are more remunerative than the larger properties.*

14. Small portions of land are advantageous for placing within reach of all the purchase of land, and for settling labourers in a particular district, such as miners near their mines.

15. Agriculture has advanced enormously since the beginning of the century, but many parts of the kingdom are still wretchedly farmed.

16. High farming exists rarely, and chiefly in connection with beet-root sugar factories.

17. In many districts there is want of capital, but in others the capital exists without the intelligence to see the need of using it in the land.

18. The Frank custom of equal division of land on inheritance does not produce warrens of paupers.

19. The custom of borough-english or primogeniture is not any more effectual than the Frank custom in preserving the middle proprietors.

20. The peasant proprietors are as a whole prospering.

21. The peasant proprietors have the character universally accorded to the class, and in some places show much forecast in respect of marriage.

22. The labourers are as a whole not worse situated than in England, and many are better off.

23. The difference between the manufacturing class and the agricultural class is most striking in respect of thrift and industry, and forecast even in districts almost purely agricultural.

There are also four general conclusions which can be drawn. One is that the influence of the State can be beneficially exerted in certain directions without encroaching prejudicially upon the freedom of the individual. This conclusion can in particular be inferred from the advantages that Prussia has obtained by compulsion of the State which is an encroachment on the liberty of the subject as popularly defined. The second is that a law of the State does not necessarily become a custom of the people. This conclusion can in particular be inferred from the curious fact that the customs of singular succession in Westphalia even amongst peasants are stronger than the law sanctioning equal division and granting private rights of children to portions. The third is that all the disadvantages

* This is not intended to be another form of the assertion that the smaller properties obtain the larger gross revenue, but the larger properties the larger net revenue.

of small properties as compared with large properties can be removed by the universally applicable principle of an anti-communistic association of the small proprietors. The fourth is that the liability to the freest exchange of the bulk of the land of a country does not necessarily cause a large traffic in landed property, or necessarily cheapen its value.

Economic observations.

Economically considered the feudal relations were in the main, the relations of landlord and tenant, and the balance of obligations and rights paid to the lord was virtually a rent to the landlord. The chief difference between this set of relations and any modern set of relations of landlord and tenant lay in the three facts of the acknowledged as well as hidden obligatory nature, of the far more oppressive collection, and of the greater inequality of the incidence, of the rent. Prussia may, therefore, be said to have substituted by her national agriculture legislation for an unnecessarily bad system of tenancy a system of absolute property. A system of absolute property in land for cultivators is synonymous with an extended abandonment of land to private speculation. Underneath the facts and opinions of this report has lain the assumption that such an abandonment is a great thing. Relatively, as compared with ordinary tenancy, it is undoubtedly a good thing, but absolutely it is doubtfully a good thing. Land differs from other commodities, as all the great masters of economic science have proved. The commodity which a single man creates entirely by his labour or acquires by his payment of accumulated labour is wholly his property. But no individual man created the land; it was created not for man individually but for man corporately. Therefore, no individual man has a perfect right to entire property in any piece of land he may happen to occupy. He has only an imperfect right to entire property, or a perfect right to usufructuary possession, both expressions being taken to be practically synonymous. He has in fact merely the right to the value of the single labour or of the accumulated labour, which he has invested in the land. All value beyond this value does not belong to him as the so-called owner or more properly designated usufructuary holder.* The difficulty of the subject lies less in separating the various values than in distributing the values to the proper recipients. Land—I limit my observations to land existing for time immemorial and used for purposes of cultivation—in a country of restricted and, therefore, occupied land, yields certain gross agricultural returns. These gross returns should consist of four values: the value of the circulating capital annually placed in the soil, the value per annum of the permanent capital invested in or on the land, the value of the customary profits of trade, and the value of the advantages of the land in climate, soil, and position.

Land.

Returns from land.

There are two kinds of permanent capital—that buried in the soil for ever, and not requiring renewal, and that invested for a term of years and requiring renewal. For the first kind† a long period of sinking fund with interest is necessary; and, for the second, shorter periods of sinking fund with interest are required. As regards the value of advantages,—the advantages of climate and of soil are evidently simple, but the advantage of position is seemingly complex. It is compounded of the advantage of local position, and of the general position of the nation, and ultimately of the world. These advantages constitute the varying variable in this value of advantages. Now, it is clear that the value of advantages is entirely independent of the single or accumulated labour invested in or on the land. It is equally clear that the other three values are dependent upon such labour. The individual man, who has the usufruct of the land, and has invested that labour, is obviously entitled to that part of the gross agricultural returns as shall correspond to these three values, and is as obviously not entitled to the remaining part which corresponds to the value of advantages. But if the usufructuary be not entitled, who is entitled? Whenever land is given over to private speculation, the private owner receives that remaining part, and it is known as theoretical rent. If he have paid accumulated labour for his claim to it, he is also entitled to it in a proportion corresponding to his payments, But on the principle that the right of property of any individual man to a thing only attaches to the things which he has himself created by labour, or acquired by payment of accumulated labour, he is evidently not entitled to any increase in the value of advantages beyond the value of his payment of accumulated labour. Under the system of land abandoned to private speculation such an owner does, however, receive that increase of value whether it result from increased local advantage, or from the general advance of the nation, or from a combination of these causes. Thus even under this system the public law, based upon economic principles of truth and upon

Who entitled?

* The most plausible objection to this proposition is that the owner of land has the same right to its increased value a century after its purchase, as the owner of a house, or a ship, or some cotton goods at some term of years after purchase. It is in every case merely a speculation. The objection might be valid, if no one else could with similar advantages build a house or a ship, or manufacture some cotton goods.

† For this kind perpetual interest is considered necessary, as there is no limit to the advantage from the improvement. This seems to mean that eventually the advantage of the improvement is merged into the general advance of the nation. But there must be a point at which the invested capital shall be repaid.

legal principles of equity, can rightly and without injustice ascertain the limit at which the private owner shall have received the full value of his payment of accumulated labour, and at which his claim to the value of advantages shall cease. The public law can then award the future increments from that value of advantages to whoever may be shown to be the proper recipient. But, if land be not given over to private speculation, and therefore be retained for public use, who is entitled to the various values comprised in the gross agricultural returns? It is clear that the usufructuary is entitled to the first three values and the community, *i.e.*, the State and ultimately man, is entitled to the fourth value. For as regards the simple advantages of climate and soil it is obvious that the usufructuary did not create them, and as regards the composite advantage of position it seems to me equally obvious that the community and not the usufructuary has created it. In fact it is the great Creator who has bestowed the advantages of climate and soil; and it is man as a race and not man as an individual who has created the advantages of position. It follows from this that the system of the abandonment of land to private speculation is not a perfect system, for it enables certain members of the community to profit by that which the community as a whole creates, and they themselves do not individually create. In other words this profit accrues to the individual* from external causes beyond the reach of his labour, whereas it should accrue to the community whose labour causes it. Hence too the proprietors are *inter se* unequally placed, for seeming chance brings to one set benefits which seeming chance withholds from other sets. This is the economic defect of the Prussian agricultural organization which has been irresistibly borne in upon me in the course of my study of, and of my journey in connection with, the subject of land in this kingdom. It may be a wrong view of the matter to consider that this imperfection of the proprietary system is an economic defect, but when one sees here an industrious proprietor who reaps nothing but that which he sows, and there an industrious proprietor who, in addition to the proper returns of his industry, reaps advantages which he did not sow, the question must arise,—is this system the perfection beyond which there is no greater perfection† worthy of attainment? Is it in fact impossible to place all cultivators of the ground on an equal footing, so that the profit of each shall depend wholly and solely upon his own industry, economy, and intelligence?

But, although this imperfection and the causes of it appear from this one point of view to constitute an economic defect in an agricultural organization of proprietary cultivators, I am not yet prepared to say, that even, in my humble opinion, the agricultural organization of cultivators with the community as landlord for the theoretical rent is the perfection which would be worthy of attainment. On the contrary, it is for some great master of economic and political science to offer with the weight of his authority for the verdict of nation and statesmen a judicial summing up of the advantages and disadvantages of the State as landlord within this limit.‡

Superiority of proprietary farmers over tenant farmers.

From the economic point of view the immense superiority, in respect of the cultivators and ultimately of the State, of the proprietary system of agricultural organization over the tenancy system seems to be, as regards the usufruct, in the perfect security of usufructuary possession and in the complete immunity from all danger of a disproportionate theoretical rent, which are inseparable incidents of the former but not of the latter system. If, however, these incidents could be inseparably attached to the tenancy system, the two systems would be in respect of the usufruct equal in advantage to the cultivator. If also the award of theoretical rent were in the tenancy system rendered perfectly equitable, this system would then obtain a superiority over the proprietary system, in which the award of theoretical rent is imperfectly inequitable. In the meantime the greater the distribution of landed property under the proprietary system, the less conspicuous is this inequitable distribution of theoretical rent. It is also better that half of the community should, as in Prussia, share even inequitably the theoretical rent, than that only a tenth of the community should, as is probably the case in Great Britain, share inequitably that theoretical rent. But in a country where a

* Take the test of self-help. Did the freeholder obtain by self-help the increased value of his land from external operations of society, such as building of towns and laying down of means of communication?

† This greater perfection seems to be approached in inverse proportion to the less limited quantity of land, and the less restricted distribution of it. In the United States the inequitable award of theoretical rent is no doubt far less sensible than in England. Moreover, whenever land changes hands frequently, the inequitable award is practically neutralised, but this does not affect the peasant proprietor (or even gentleman farmer), who is usually rooted to the same spot now as in the year 1800.

‡ This summing up would probably go against the State as landlord. But this would not touch the essential difference between land and other commodities. Nor would it touch the position that the abandonment of land to private speculation is a greater cause of unequal distribution of wealth than inequality of taxation. If the labouring class have paid more taxes, they have recouped themselves in great part, if not entirely, in their wages. But what is the compensation to the nation for the inequitable award of theoretical rent?

structure of landlords and tenants already exists, it might be found more statesmanlike to retain the landlord in the trust of the nation and to reorganize the system of tenancy with as many sets off to the inequitable award of theoretical rent as possible, than to substitute for a system of tenant farmers a system of proprietary cultivators.

Usufructuary and rent recipient.

It is necessary before proceeding further to define what is meant by the usufructuary and the rent recipient. The usufructuary is he who, having the usufruct of the land, is entitled to that part of the annual returns from the land which shall give him the circulating capital which he annually invests in the land, and the interest on and repayment of permanent capital which he sinks in the land, and the ordinary profits of the district for the industry and intelligence which he employs in his cultivation. The term usufructuary will, therefore, be used in contradistinction to tenant, *i.e.*, agricultural tenant. The rent-recipient* is he who is allowed by the State to receive the theoretical rent. The term rent-recipient will, therefore, be used in contradistinction to landlord, *i.e.*, agricultural landlord.

Economic relations of landlord and tenant.

Now in actual agricultural relations no clear distinction can be found between usufructuary and rent-recipient, or, in other words, no identity of usufructuary and tenant, on the one hand, or of rent-recipient and landlord, on the other hand, can be found. Frequently the tenant obtains far more than would be due to him as usufructuary, for he may receive a part of the theoretical rent. But also frequently the landlord obtains more than would be due to him as rent-recipient, for he receives a part of the usufructuary's returns. Moreover, the tenant may not provide the permanent capital in whole or part, whereas the landlord may provide it in whole or part. The intermingling of the titles to the usufructuary returns and to the theoretical rent brings it about, that the agricultural entities, landlord and tenant, are seldom, if ever, concurrent with the economical entities, rent-recipient and usufructuary respectively, or, in other words, that agricultural rent is seldom, if ever, synonymous with theoretical rent. Nevertheless, if the reasoning based upon the foregoing separation of the gross agricultural returns into four different values be correct, it gives an easy clue to unravel these entanglements, and to comprehend the real economical relations of landlord and tenant in any conceivable combination of title to usufructuary returns or theoretical rent. Thus, when the landlord provides the tenant with permanent capital by making permanent improvements, he adds to his character of recipient of theoretical rent the character of capitalist lender, and becomes *de jure* as well as *de facto* entitled to the annual value for permanent capital in the gross agricultural returns. Whether or not his character of capitalist lender should not be distinctly separated from his character of rent-recipient is another question to be subsequently noticed. Thus, too, if a landlord, apart from the legitimate returns for any expenditure of permanent capital obtain more than the theoretical rent, or if, on the other hand, the tenant obtain, in addition to his legitimate returns, a part of that theoretical rent, it is easy to understand the economical bearing of either fact. In the first case the landlord adds to his character of rent-recipient that of usufructuary in respect of a share in the returns of the usufructuary without having acquired the usufructuary's title to them. Or, in other words, the tenant loses to the landlord a part of his legitimate returns, and would ultimately be impoverished if not ruined, for he would probably continue to expend an amount equal to his fair annual profits, including interest on capital, and consequently would not only abstain from investing more permanent capital, but eventually would reduce his circulating capital. In the second case, the landlord divests himself of part of his character as rent-recipient, which then attaches to the usufructuary who thus obtains a share in the theoretical rent without acquiring the title of the rent-recipient to it; or in other words, the tenant receives a share in the landlord's rent, which is obviously a gain beyond his fair and legitimate returns for the investment of his capital, and the employment of his industry and his intelligence. These two cases seem to cover nearly the whole area of variation in agricultural rent; for the cases in which the landlord provides circulating capital are so much rarer, and their economical bearing is so evident that they need not be specially mentioned.

The employment of permanent capital belongs clearly to the usufructuary, for its profits depend more upon the usufruct of the land than upon the mere fact of the advantages in the position of the estate. If the rent-recipient advance that permanent capital, he becomes not a usufructuary but a capitalist lender. If in a new country a new system of landlords and tenants were established, it might be desirable to restrict the landlord to being rent recipient, and to clearly mark him as a capitalist lender in respect of permanent capital invested in the land. He should merely compete with other capitalists in finding the necessary permanent capital for the usufructuary. In fact, if any one should be entitled to obtain the advantages of acts of the Legislature lending public money for land improve-

Landlord as capitalist lender.

* He could be also named "Rent Lord."

ments, it is the usufructury and not the rent-recipient. Moreover, it is doubtful that permanent capital can be said to be never exhausted. The opinion that the returns from certain kinds of permanent capital ultimately merge into theoretical rent, or are not distinguishable from theoretical rent, seems to be equivalent to holding that the improvements so far as regards the permanent capital invested are in the end practically exhausted. A so-called permanent improvement judiciously carried out produces a two-fold return; it produces a return equivalent to interest and sinking fund on the outlay, and also a return corresponding to the extra profit obtained by the usufructuaries of the improved estate over those of the unimproved estates. This latter return is clearly no part of theoretical rent. When, therefore, the usufructuary has repaid the permanent capital, the rent recipient will not be entitled to any further returns. When ultimately all landed estates shall have adopted the same improvement there will no longer be such superiority of profit over them. In other words, the usufructuary of the improved estate will obtain the maximum profits, whereas he of the unimproved estate, other things being equal, will certainly gain less than that maximum. If this view be correct, then it is easy to understand why intelligent tenants, who are deprived of the possibility of making them, should call upon the landlord to make improvements, and why any impossibility on the part of the landlord to make the improvements is injurious to the cultivators. Moreover, there seems to be no economical reason that the rent recipient should have the initiative and veto in the matter of investing permanent capital in land improvements. On the other hand, it is clearly to his interest to promote such improvements, for otherwise the profits of the usufructuaries of his land will be less than the maximum of profits, and the difference will eventually be paid out of the theoretical rent. The symptoms of such a result on a landed estate will be discovered in the fact that the landlord cannot without prejudice raise the agricultural rent in accordance with the general advance of rents. A careful diagnosis would assuredly lead the instructed land agent, or equally instructed landlord, to prescribe a course of land and other improvements. If the land system of any country place obstructions in the way of such improvements, then one may observe in proportionate variation the two natural results of an inferior cultivation, and of rents absolutely or relatively declining, or of the impoverishment and ultimate ruin of the cultivators, if the landlord maintain the rents.

Maximum of agriculture rent.

It follows from the preceding remarks, that the economic maximum of agricultural rent cannot exceed the total sum obtained by adding to the theoretical rent the amount of the legitimate return for the expenditure by the landlord of permanent capital. The economic maximum may thus coincide with theoretical rent, or it may vary in its excess over the theoretical rent in proportion to the outlay of permanent capital by the landlord.

Excessive agricultural rent.

But however much agricultural rent may vary in a system of tenancy with private landlords, it is clear that it should only vary within its economic maximum, and not beyond that maximum. Whenever agricultural rent exceed that maximum it harms the cultivator and injures the State. It is obvious that such an excessive rent if it be local arrests the progress of the cultivators, and may produce their ruin, and thus to a varying extent, lames the national activity. It is yet more obvious that such an excess of rent if it be general, arrests the national progress, and may cause even a national retrogression. Agricultural rent should, therefore, be stringently restricted to that maximum. The will of the landlord cannot be recognized as a legal rent court from whose decisions there lies no appeal. He cannot possess without latent mischief unlimited powers of raising rent. Moreover, he is intrusted by the State with the important trust of receiving theoretical rent, and of applying it for the national advantage. The State is, therefore, empowered to draw the trust deeds, and to observe the discharge of the trust duties. If then the State find that the force of public opinion, whether or not it be compounded of political and social self-interest and of unswerving custom, is sufficient to cause the private landlords to keep agricultural rent within the economic maximum, and to refrain from exercising to a prejudicial extent their unlimited powers of raising rent, the State need not intervene to resume the trust or to reappoint other trustees. But if the State find that these or other indirect influences which constitute public opinion, do not cause a due observance of the implied terms of the trust, the State is bound on behalf of the community which it represents, to draw up trust deeds with such stringent covenants as shall suffice to insure the unchecked activity of each individual cultivator, and thus promote the increase of the national weal, and the development of the national wealth.

State can attach new conditions to property in land.

In the cases in which the State finds itself obliged to resume the trust, it has to decide whether it should itself exercise the trust for the community or should again delegate, with however deeds of strict covenants, the trust to private landlords. As to the economic side of the question, the chief point, as determining the decision, would be

to ascertain whether agricultural rent, as between landlord and tenant, could be restricted to the economic maximum. This restriction is practically effected on many a landed estate by the management of an instructed landlord or a good land agent. There can, therefore, be no practical difficulty in the way of securing such a restriction throughout the country. The question resolves itself into a question of the method of obtaining this result. The obvious method is for the State to establish a rent court. There appears consequently to be no practical obstacle to re-appointing the trustees of the land. Let us see, then, what might be the chief particulars of the new trust deeds. (*a.*) The land of the nation is entrusted to rent recipients and usufructuaries as joint trustees.* (*b.*) The rent-recipient shall be entitled to receive, as agricultural rent, the economical maximum of rent, consisting either only of theoretical rent or both of this rent and returns for investments of permanent capital. (*c.*) The usufructuaries shall be entitled to receive all usufructuary returns except such as shall by special contract belong to the rent-recipient. (*d.*) The usufructuaries shall retain usufructuary possession, until (1) they shall refuse to pay the above agricultural rent, or (2) shall be proved before a Rent Court to be causing a deterioration of the soil.† (*e.*) The agricultural rents shall be readjusted on the demand of landlord or tenant, in default of private arrangement, and after full hearing of both parties, by a decision of the Rent Court. (*f.*) Land and other improvements shall be ordered at the instance of landlord or tenant, in default of private arrangement, and after full hearing of both parties, by decision of the Rent Court. (*g.*) For object of improvements the usufructuary may be empowered by the Rent Court to raise by a mortgage upon his usufructuary possession for a term of years the necessary capital. (*h.*) The outgoing usufructuary shall be empowered to freely alienate his title to usufructuary possession, both on voluntary and involuntary avoidance of possession. (*i.*) No agricultural rent, in excess of the economical maximum, shall be recoverable at law. Then there would, of course, be the usual clauses to protect existing rights and third parties, and to set out the many necessary and complementary details. This is only a rough sketch of such a new structure as might be erected with the old materials upon the foundations of an old structure. The Rent Court‡ need not necessarily be an instrument of the public law; it would be established merely as an instrument of the private law. Both landlord and tenants should have the right to claim its decision. The recourse to its decision would usually take the form of an appeal from the resolve of a landlord to raise the agricultural rent. It would also take the form of both landlord and tenant entering into a friendly suit, to determine the fair increase of rent, whether temporary or permanent increase, which would correspond to the capital to be laid out by the landlord in permanent improvements. But in the great multitude of cases no such a recourse to the opinions of the Rent Court would be had. The good landlords would be untouched by its operation, and the indifferent landlords would be converted into good landlords.

Perfected system of tenancy.

It is clear that, under a system of tenancy of which the perfected form would certainly exceed the imperfect outlines of the previous sketch, the two-fold superiority of a system of proprietary cultivators over the ordinary system of tenancy would be obtained by the suggested system of tenancy over that ordinary system, for it grants almost as perfect a security of possession and quite as perfect an immunity from disproportionate theoretical rent as the proprietary system of cultivators. It also grants to the agricultural tenant certain advantages enjoyed by proprietary cultivators, for it gives him full liberty to make land improvements without risk of loss at the will of a landlord, and facilitates the raising of capital for him. As regards the cultivation of the land, the agricultural tenant would be nearly as much spurred to employ the best methods of cultivation as the proprietary cultivator, for he would practically have the same length of possession for himself and heirs. He would possibly be more spurred to progress, for the necessity of paying the theoretical rent would involve the necessity of obtaining the highest returns, and the penalty for deterioration of the land would deter from idleness and carelessness.

The foregoing sketch of a system of tenancy is open to one remark and some objections. As to the objections, one will probably be to the varying rent; but as it is not a

* One might write joint owners. Existing landlords and tenants are joint owners. The landlord's right of property is limited by the tenant's right of property. On the other hand, occupancy and cultivation do not in themselves give a claim to absolute property.

† The Rent Court should also have a general discretionary power to order eviction, on the landlord entering into recognizances and paying ample compensation, for such an obviously reasonable cause as the necessity of using the land for establishing a new manufacture, or for building purposes. Political evictions, which need not occur in industry, should not occur in agriculture.

‡ It is not possible within the limits of this report to touch the subject of procedure, but the procedure of the Prussian Special Courts for carrying out the National Agricultural Legislation might be studied with advantage.

Leases.

rent fluctuating at the will of an irresponsible landlord, but a rent varying according to the general and local prosperity, as determined by a responsible and specially qualified Court, the objection may be dismissed. The other objections will probably cluster around the establishment of a Rent Court, but most, if not all of such objections, could be urged more strongly to a rent decided by the irresponsible will of the landlord without any appeal for the tenant. The remark is that leases are not required. Leases are clumsy expedients for securing two things for the tenant, a sense of security of possession and an immunity for a period from unfair raising of the rent; and to securing two things for the landlord, a stimulus to good cultivation by the tenant and a maintenance of the soil in good condition. But a lease may also be advantageous to the tenant by covenanting for a low rent less than the economical maximum, or by the natural increase of theoretical rent during the period of the lease, for in both cases the tenant has a share in the landlord's rent, and therefore a gain beyond the legitimate returns for the capital which he has invested, and the industry and intelligence which he has employed. Or, conversely, the lease may be disadvantageous to the tenant. Thus the imperfection of a proprietary system of cultivators is reproduced without the compensating perfections of it. For unless a lease be very long it does not give the necessary security of possession, and if it be long the rent covenanted for will usually be or become unfair upon landlord or tenant, or at different times on each party. Yet again, if there be no lease, the seeming fair rent of the tenant-at-will is very fallacious, for the fairness of one landlord may be followed by the unfairness of another landlord, or, what is worse, the generosity of one landlord may be succeeded by the rapacity of his successor. No such a difference between the good and bad landlord should be possible. The good landlord should be unmolested in his management, and the bad landlord should be induced by the possibility of compulsion to copy the good example. But leases constitute an inadequate protection from bad landlords and are not required with good landlords. Moreover, leases may be influenced by undue competition, and if a landlord grant leases with competition rents, they will probably be ruinous to the lessees.* It seems to me, therefore, that from the economical point of view any system of tenancy which shall secure the necessary protection of the tenants' interests and the landlord's interests without a recourse to the proprietary system of cultivators or to a system of leases, is worthy of examination whenever the State may find it necessary to erect a new structure upon the foundations of an old structure of landlords and tenants.†

In whose hands is rent reproductive?

In comparing the ordinary and foregoing systems of tenant farmers with the system of proprietary farmers, the economical question crops up,—in whose hands is theoretical rent (land being thus abandoned to private speculation) more reproductive—in the hands of the landlord of tenant farmers, or in the hands of the proprietary farmers? I imagine that, considered solely from the economic point of view, there can be little doubt that, on the whole, theoretical rent is markedly more reproductive in the hands of the latter than in those of the former, for the inducement to unproductive expenditure is usually less, and the stimulus to reproductive expenditure is generally greater. But I venture to think that the question cannot be decided alone by its strictly economic bearing. I believe that the wealth of nations lies in a notable degree in its reproductive leisure as well as reproductive labour. It will have to be shown that the leisure (as distinguished from labour) which is accorded by the State to the landlords within the community is not so reproductive as to counterbalance the loss of reproductive labour, before the transfer of theoretical rent to he cultivators can be reasonably advocated. Let me guard myself against a possible misunderstanding. Occupied leisure is in one sense labour, but I have used labour in its narrowest economical meaning, and leisure in its popular meaning—of absence of the necessity to work for one's daily bread.

Proprietary tenant farmers.

Let us look at the subject of proprietary cultivators *versus* tenant farmers, from another point of view. We will suppose that A and B, being each in possession of 187*l.* 10*s.* in the year 1830, became farmers as proprietor and tenant respectively. It is assumed that the per-centage of rent on the selling value of the land is always $2\frac{1}{2}$ per cent., that the maximum of profit on farming capital is 10 per cent., and that the interest on capital is 4 per cent. It is further assumed, on the one hand, that the tenant farmer never spends more for himself and family than the proprietary farmer, and that the latter spends in addition to the wages of his labour one-half of his income as proprietor and farmer, and

* This has occurred in Prussia in the case of leases granted to the highest bidder in the Provincial district of Stralsund, from the fact that the competing farmers counted upon increments of theoretical rent which did not occur.

† If the recognition of the economic principle of a division of labour be claimed as an advantage for the English or commercial system of agricultural organization, the same advantage attaches to the suggested system of rent-lord, capitalist, farmer, and labourer.

on the other hand, that the surplus income is invariably saved in both cases. Lastly, it is assumed, that the tenant has security of possession and immunity from disproportionate rent. It will be observed that not one of these assumptions is more favourable to the proprietor than to the tenant, whereas most of them are more favourable to the tenant than the proprietor. Let us now compare their positions, as measured in money, at the ends of periods of 20 years. Land is assumed to cost 5*l.*, 10*l.*, and 30*l.* an acre in 1830, 1850, and 1870, respectively. Farming capital is assumed to be 2*l.* 10*s.*, 5*l.*, and 10*l.* per acre, respectively. Wages are assumed to be for man and woman together, 25*l.*, 37*l.* 10*s.*, and 50*l.*, a-year, respectively. These assumptions* represent approximately the advance of prices in some parts of Prussia; but even if the prices, or proportions of farming capital, or the wages, be inaccurate, the inaccuracy is common to both sides of the calculation, and does not materially affect the conclusions. Finally, it is assumed that neither proprietor nor tenant borrows capital, and that the latter increases his holding in proportion to the capability of his increased capital. Thus, he will hold 75 acres, 119 acres, and 202 acres in 1830, 1850, and 1870, respectively, whereas the proprietor remains throughout with his 25 acres.

Tenant under favourable conditions.

		£	*s.*	*d.*		£	*s.*	*d.*
In 1830 A has an income of	..	36	17	6	and saves	5	18	9
but B „ „	..	51	5	0	„	20	6	3
In 1850 A „ „	..	63	10	8	„	14	2	6
but B „ „	..	120	2	4	„	71	4	10
In 1870 A „ „	..	112	6	0	„	35	8	6
but B „ „	..	332	11	2	„	255	3	8

The steps by which the increased income is in each period reached are not noticed, for it may be considered, that both A and B spend the increments in their annual expenditures or in permanent improvements. At the end of the 40 years A's investment has increased to a value of 1,213*l.* 15*s.*, whereas B's has increased to 2,119*l.*, or nearly 50 per cent. more than A's. It is evident that B, as an individual, has, from the first, had an important advantage over A. But it must also be borne in mind that, according to the conditions of the comparison, B has obtained all the farming advantages of proprietorship without the disadvantages of investing two-thirds of his capital at the commencement in land at 2½ per cent., instead of in farming capital at 14 per cent.

Let us now check the prosperity of B in comparison with A, by looking at the pecuniary circumstances of the members of the community supported by the acreage occupied by B, and a similar acreage occupied by A and his fellow-proprietors, who will number eight families each, holding 25 acres. Thus:—

		£	*s.*	*d.*
200 acres support 8 families of proprietary farmers, with an aggregate income of	..	898	8	0
203 acres support 1 family of the landlord, with an income of ..	..	152	5	0
„ „ 1 family of the tenant farmer, with an income of ..	..	332	11	2
„ „ 7 families of labourers, with an income of ..	..	350	0	0
Making in all	..	£834	16	2

The pecuniary difference in favour of the proprietary farmer arises from the assumption that the landlord's family will not have been able to save. It is the difference of social structure which is the important difference. The question is,—which social structure is the better, that of eight families of proprietary farmers prospering moderately, but removed from imminent danger of pauperism; or that of seven families ever on the brink of pauperism, and of two families supported in comparative ease?

Let us now suppose two large areas or estates, each cultivated on one of the two principles, and the estate cultivated on the principle of tenancy to be sufficiently large to support a landlord according to his social position, and to give him a surplus income for economy and benevolence. Multiply, therefore, the above figures by 100, and add 300 to

* These assumptions are not invalidated by any alterations in the value of money, for a fall in that value would equally affect all prices. It will also be noticed that all neccessary investments of permanent capital are supposed to have been made or to be made by the landlord. The farming capital has often been smaller in Prussia, in virtue of the letting of land and live-stock with the land,—a custom which in former days obtained also in England,—and seems in both countries to have been a relic of the feudal system.

the acres, 12 to the families, and 12 proprietary incomes to the incomes respectively of the proprietary farmers. Thus,

		£
20,300 acres support 812 families of proprietary farms, with an aggregate income of	..	91,188
Or 20,300 acres support 1 family of landlord, with an income of ..	..	15,225
" " 100 families of tenant farmers, with an income of ..	..	33,206
" " 712 families of labourers, with an income of ..	..	35,600
Total ..	..	£84,431

If the landlord have saved 75,000*l.*, then the pecuniary difference in favour of the proprietary farmers disappears. The 712 families of labourers are not less on the brink of pauperism because they are on a large estate; but, being on a large estate, they can look with greater possibility of relief to the charity of the large landlord than they could have done to the benevolence of a small landlord. If the landlord were to live as a peasant proprietor on a 100*l.* or so a-year, and were to distribute the remainder of his income amongst the labouring families of his estate, he could not redress the balance and place the 712 labouring families in as good a position as the corresponding 712 proprietary families. It is held that the many social advantages of this agricultural structure so counter-balance, and even preponderate over the disadvantages, that this structure is preferable to an agricultural structure of proprietary farmers. There is much truth in this; but it is neither necessary nor possible to examine so wide a question within the narrow limits of this Report. Suffice it to say, that it is seldom wise or statesmanlike to pull down the edifice and destroy the foundations, and then lay down new foundations and rebuild with new materials, but it is nearly always more wise and more statesmanlike to take the ready materials and build on the old foundations. The agrarian legislation of Prussia seems to me to confirm the experience which other nations, and especially England, have obtained of the greater wisdom and policy of this course.

Tenant under less favourable conditions.

It behoves us now to notice the result of similar comparisons on assumptions less favourable to the tenant-farmer. In the foregoing comparison B and his co-tenants have been practically treated as holding leases for twenty years at fair rents, for 1830 and 1850 respectively. They have benefited by the intervening increments of theoretical rent. But if they had had shorter leases, and had been liable to disproportionate rents, or if they had been tenants-at-will, and their reliance upon the landlord had proved fallacious; in a word, if their security of usufructuary possession, and their immunity from disproportionate theoretical rent had been less, it is obvious that the advantage of B for instance over A, would not have been so great.* Let it be supposed that the shortness of leases, the insecurity of possession, the want of immunity from extortionate rent, and the possible changing of farms, involve an extreme average loss of 4 per cent. in the farming profits; or, in other words, reduce the farming profits to 6 per cent., exclusive of the 4 per cent. interest on the farming capital. And it would also be nearer to reality to assume that the tenant-farmer would only save relatively as large a part of his income as the proprietary farmer. If both these unfavourable assumptions operate together, then the result will be that B will never be able to increase his holding, and that the greater part of the pecuniary advantage will disappear. Thus,

			£	s.	d.		£	s.	d.
In 1830 A has an income of		..	36	17	6	and saves	5	18	9
and B	"	" ..	43	15	0	"	9	7	6
In 1850 A	"	" ..	63	10	8	"	14	2	6
B	"	" ..	75	0	0	"	18	15	0
In 1870 A	"	" ..	112	6	0	"	35	8	6
B	"	" ..	125	0	0	"	37	10	0

In this comparison the advantage of B as an individual over A is much reduced. It is also evident that three families of proprietary farmers, occupying the same area of 75 acres, will have prospered far better than the tenant-farmer of 75 acres. In such a case as this no possible aggregation of the tenant-farmers and labouring families, under a landlord with a large rent-roll, will counterbalance the disadvantages to the community of the system of tenancy. Between the two extremes of comparison can be found the place

* If the rent at any time bear a higher per-centage than $2\frac{1}{2}$ per cent. to the selling value of the land, the difference is in favour of the proprietary farmer. I believe that in 1830 rents in Prussia frequently bore the proportion of 4 per cent. and 5 per cent. to the selling value of the land. At an earlier date the land was in places practically valueless, and the farming capital was much larger than the value of the land. This would often tell materially in favour of the proprietary cultivator as compared with the tenant farmer.

at which the pecuniary advantage of the tenant-farmer and of the corresponding number of proprietary farmers shall be equal. At this place it would be necessary to strike a balance of the social advantages and disadvantages of each system of agricultural organization; but I am obliged, both from want of time and inadequacy of knowledge to leave the question for the decision of others.

It will, probably, be objected that I have assumed too much in favour of the proprietary farmer.* I appeal, however, to the facts and opinions recorded in this Report as warranting the fairness, both of the assumption that the smaller proprietary farmer will generally obtain the maximum of profits, and of the assumption that he will save a half of his income beyond the wages for the labour of his family. By the carefulness and industry universally accorded to him, he will even counterbalance in part any want of intelligence. By associations he can obtain the necessary implements for employing the same methods of cultivation as his more acred and more advanced neighbours.

Before leaving this part of the subject it is desirable to mention one or two general considerations which have a bearing upon any conclusion that may be drawn from the comparisons hereinbefore set forth. The first is that the tenant-farmer B can, by bad farming, or by a succession of bad years, lose all his capital; whereas the proprietary farmer A can, at worst, lose only his farming capital, and possibly a part of the value of his land. The second is that the proprietary farmer, having a large reserve capital, can always, even after bad years, cultivate to the best advantage, whereas the tenant farmer cannot. The third is that the advantage of money which B obtains is not to be confounded with the advantage of happiness which he may or may not secure. It is only fair to assume, until the contrary be shown, that the sum of happiness of a certain number of families, consisting of tenant-farmers and labourers, is not greater than the sum of happiness of an equivalent number of proprietary farmers supported by an equal area of land. Few wants are born with man, yet under favourable circumstances numerous wants may grow with him. But happiness does not necessarily follow the growth of wants, or even the power of satisfying them. This side must, however, be also left untouched, for similar reasons to those for leaving imperfectly stated the social side of the subject. The last consideration which need be mentioned is that the tenant-farmer is always subject to the special danger (in ordinary systems of tenancy) of a competition† of tenants, which unduly raises the rent and encroaches upon the fair returns of the tenant. From this special danger the proprietary farmer is quite free. A competition of purchasers may unduly enhance the value of his land, but this result is not agriculturally prejudicial to him, for it merely reduces the per-centage which the theoretical rent bears to the selling value of the land. It is, on the contrary, advantageous to him, for so long as it lasts he has a larger amount of fixed money capital to fall back upon in days of misfortune and calamity, and when the undue enhancement ceases he loses nothing.

I may be permitted to notice briefly the results of a general comparison of the triune system of proprietary cultivators with the tripartite system of landlord, tenants, and labourers, apart from Prussian prices and progression of value. Let the compared areas be in both cases 20,000 acres. Let, then, the prices in the foregoing series for 1870 be assumed to be true, in England or elsewhere, of 1850 or any other year. Let the proprietary cultivator and the tenant farmer each start with a capital of 1,000*l*. Then the former will buy 25 acres and the latter will rent 100 acres. Let it, lastly, be assumed that an "indifferent" year will take away one half of the profits and interest on farming capital, and that a "bad year" will cause a total loss equal to a loss of half the farming capital. Such a bad year is assumed as an extreme case. What will be the result in twenty years, the values remaining unchanged? In the first place, if each interested party spends his whole income, it is clear that the tenant farmer will not increase his capital, and that the landlord and tenants will have lived better than the proprietary cultivators at the expense of the labourers. In the second place, if the proprietary cultivator save rent,‡ as he usually does, and a half of the farming profits and interest, as he often does; and if the tenant farmer save a half of his farming profits and interest, as he may be expected to do, then the result is obviously that there is no advantage even if the landlord spend nothing.

* Lest the reader may suppose that the advantages of the tenant's larger farm over the proprietor's smaller farm have been overlooked, this note is needed. The main advantages are three—a lower rate of rent, a saving of labour, and the advantage of a division of labour amongst the labourers. The first does not affect the calculations. The second is allowed for by assuming that the tenant farmer does not labour, but adds the wages to his net revenue. The third is counterbalanced by the loss arising from vicarious superintendence and labour.

† This competition of tenants for land as land is not so likely to occur in a country like Prussia as in countries in which the system of leasing predominates. Possibly the existence of a large number of owners prevents the occurrence of a competition rent.

‡ The present proprietors in Prussia usually put rent into their lands. There are several districts where peasant proprietors, who began almost without money capital, have now plenty.

This is clear, for the landlord must save all the rent in order to place the system, of which he is a part, on a level with that of the proprietary cultivators. In the third place, if tenant farmers and proprietary cultivators live as labourers, there will be no pecuniary advantage for the tripartite system, even if the landlord spend not a farthing of his income. This is clear, for, as the proprietary cultivators, *ex hypothesi*, save all rent and all farming profits and interest, the landlord must save all the rent and the tenants all the farming profits and interest. In the fourth place, if, the other conditions of the second case remaining the same, the proprietary cultivator save only a half instead of the whole of his income as landlord, then there will be for the tripartite system a pecuniary advantage of 150,000*l.* minus the landlord's expenditure. If, therefore, he spend half his income, there remains no advantage, and if he spend the whole, the advantage is the other way to the same amount. In the fifth place, if the proprietary cultivator save his income as landlord and a half of his income as farmer, and if the tenant farmer only spend as much as the said proprietary cultivator, then the tripartite system will have a pecuniary advantage of 210,000*l.* minus the landlord's expenditure. If, therefore, the landlord expend two-thirds of his income, the advantage is only 10,000*l.*, and, if he spend the whole, the advantage is the other way to the amount of 90,000*l.* It is evident that the tenants obtain this advantage for this reason,—that whereas four families of proprietary cultivators spend each a certain sum beyond wages, the corresponding family of the tenant only spends that certain sum beyond wages, and the corresponding three families of labourers do not spend it because they do not get it. The tenant gets it and saves it; but, as the proprietary cultivators save rent, the landlord must save all the rent if the tripartite system is to retain this advantage. If, as a variety of this last case, proprietary cultivators save only half the rent, the pecuniary advantage will be increased to 360,000*l.* minus the landlord's expenditure. Hence the landlord can spend the whole of his income without destroying that advantage. It would thus appear that, if the landlord and his tenants would only save to the same extent as the proprietary cultivators, the test of a series of good years does not show any great pecuniary advantage of one system over the other. The question is, will each class save equally well? If not, which class will fail to save reproductively? Let us now pass to consider what will be the effect of an indifferent year or of a bad year? The former will only proportionately reduce the savings or cut down the expenditure in each system. But a bad year will produce a different effect. This effect will also depend upon whether the bad year occurs at the beginning or later on in the series. In the first case, if it occurs at the beginning or later on, the proprietary cultivator will have to live less well by 5*l.* a year from its date, whereas the tenant farmer will not only have to live half as well as before, but will also be crippled in his farming, and probably evicted for deterioration. A second bad year would quite ruin him. The return of his rent by the landlord would not save him. In the second case, if the bad year occur at the beginning, the tenant farmer cannot recoup his loss, and *ex hypothesi* does not save, and the recurrence of a bad year utterly ruins him; whereas the proprietary cultivator recoups himself in four years, and saves for the remainder, being able to meet another bad year. If the bad year do not occur until the tenant has enough savings to meet it, *i.e.*, in eighth year or later, then the triune system has a small advantage of about 14,000*l.*, the landlord of the tripartite system of course spending nothing. In the third case, if the bad year occur at the beginning, there is a very slight pecuniary advantage in favour of the triune system; but if it again occur in the fifth year, there is a large advantage of about 70,000*l.* in favour of the triune system: the landlord, in both cases, never spending a farthing during the whole twenty years. If, however, the bad year occur not at the beginning, but only when the proprietary cultivator and tenant farmer shall both have saved enough to replace the loss, *i.e.*, in the fifth year, or in any later year, then there is a pecuniary advantage in favour of the tripartite system of some 25,000*l.*, on the supposition that the landlord spend nothing in the twenty years. In the fourth case, if the bad year occur at the beginning, the tenant is as badly placed as in the second case, whereas the proprietary cultivator can recoup his loss in seven years, and is, in other respects, as well placed as in the second case. If, however, a bad year do not occur until the tenant have sufficient savings to meet it, there will be an advantage for the tripartite system of 157,500*l.*, supposing the landlord spend nothing. If he spend half his income, the advantage will be only 7,500*l.* In the fifth case, if the bad year occur at the beginning, there is a pecuniary advantage in favour of the tripartite system of about 164,000*l.*, always on the supposition that the landlord spend nothing during the twenty years. If the bad year recur in the sixth year, then this advantage is reduced to about 76,000*l.* If, however, the bad year occur not at the beginning, but when the savings can replace the loss, then the tripartite system has an advantage of nearly 210,000*l.*, the landlord spending nothing. He can, therefore, spend two-thirds of his income without entirely destroying that advantage.

As regards all the foregoing cases it should be borne in mind that the tenant farmer is always assumed after his loss to obtain the same maximum rate of profit for his smaller farming capital upon the same area, which would probably not be the case. A contrary assumption might seriously diminish the advantage of the tripartite system, where it has an advantage. There is no time to inquire into varieties between the extremes in each of the five cases, or in the modifications of each case. But such an inquiry would not seemingly affect the general inferences to be drawn from a due consideration of the above cases. Nor would apparently the comparison of the bipartite system of a proprietary cultivator and labourers with the foregoing triune and tripartite systems materially affect such inferences. The first of those inferences is, that in nearly every instance it depends upon the economy of the landlord as to whether the tripartite system has the pecuniary advantage, and that in most instances he must save largely. I am disposed at present to consider the fourth case as practically representing, on the average, a fair comparison of the two systems. A progression of value for land would probably turn the scale against the tripartite system. The second of these inferences is that the land never suffers in the hands of the proprietary cultivators, from a bad year, whereas it is in many instances, after a bad year, only half farmed by the tenant, and in the others less well farmed for several years. If the landlord were to mortgage his land in order to replace the lost farming capital of the tenant farmers, the force of this inference would be destroyed. This would also destroy the force of a third inference, that the proprietary cultivator is in nearly all instances far more able to tide over a bad year at the beginning of his farming than the tenant farmer is.* Two concluding remarks in respect of this general comparison:—on the one hand, if it be assumed that the lesser security of occupancy and the lesser immunity from disproportionate rent are equivalent to a reduction of the tenant's rate of profit, then this will, to the extent of that reduction, depreciate the advantage of the tripartite system; but, on the other hand, if it be assumed that the proprietary cultivators will not economize to the same extent as the landlord and his tenants, then this will proportionately enhance the advantage of the tripartite system.

Choice of agricultural systems for Prussia.

I have written that, economically considered, Prussia by her national agriculture legislation substituted for an unnecessarily bad system of tenancy a system of proprietary cultivators. The inquiry, as to whether a system of tenant farmers with the State as landlord would not have been better for the nation, is practically useless, for so far as I am acquainted with the records of the eventful decade in which that legislation came into being, the consideration of such an inquiry was excluded from the attention of Stein and Hardenberg and of their coadjutors by the fact that the possibility of such a system seems to have been unknown to them. The only systems of agricultural organization which seem to have been discerned are that of ordinary tenancy and that of proprietary cultivators. As regards foreign examples they could observe what England had gradually become and note what France had suddenly been made. The existing English system found less favour than the system which was adopted. There were many reasons in favour of the latter as against the former, not least amongst them was the fact that a system of tenancy would have caused universal dissatisfaction amongst a peasantry smarting under the evils of the feudal or quasi-feudal system, And a change which caused dissatisfaction amongst the peasantry would have fatally defeated its object of fortifying the strength of the nation. Moreover, wholesale eviction might have occurred if the arrangement of the relations of landlord and tenant had been left to the parties themselves. Leases would have given a lease to discontent and would only have postponed the difficulty. Again, as the nature of rent was then ill-understood, and as the principle of competition amongst landlords to let and tenants to take farms was too dangerous to the welfare of the State, Prussia could not then perceive any method of fairly regulating the relations of rent between landlord and tenant, and therefore cut the Gordian knot by uniting landlord and tenant in one person—the proprietary cultivator. Moreover, the history and cotemporaneous appearance of the agricultural structure demonstrated the greater facility of erecting upon the old foundations an edifice of proprietary cultivators, than one of agricultural landlords and tenants subject to the principle of competition. It is, I venture to think, so evident that Prussian statesmen could have adopted no other principles of agricultural organization for replacing the feudal or quasi-feudal organization than those which were actually adopted, that I shall restrict myself to briefly showing how advantageous in a pecuniary sense to the mass of individual cultivators the conversion into absolute owners has probably been. Let it be supposed that B and C are two tenant-farmers emerging from the relations of the feudal system;

* The prudent tenant would keep in hand a reserve capital, and to this extent take a less area to farm. As he would only gain 4 per cent. instead of 14 per cent. on such reserve capital, the fact would sensibly alter his position as compared with that of the proprietary cultivator.

B becomes a tenant after the English pattern, and C a proprietary cultivator after the Prussian pattern. Such a tenant-farmer as B is assumed to be is almost an impossibility, but if the assumptions the most favourable to the farmer who remains a tenant be made, he will obtain so great an advantage at starting that the farmer who becomes proprietor will be nowhere. But if the less favourable assumptions be made, the result is very different. Thus in the first case let the assumptions for 1830 in the first of the preceding calculations be applied also in 1815,* and let both B and C hold at the commencement 75 acres. Lastly, let the rate of commutation be 20*l.* a-year for a period of twenty years; the calculation will stand thus:—

Comparison of commuting peasant proprietor and the tenant farmer.

			£	s.	d.		£	s.	d.
In 1815	B has an income of	..	51	5	0	and saves	18	8	9
	C „ „	..	40	12	6	„	7	16	3
In 1830	B „ „	..	89	19	2	„	52	9	11
	C „ „	..	45	5	6	„	12	9	3
In 1850	B „ „	..	249	19	2	„	169	12	2
	C „ „	..	127	16	9	„	47	9	10
In 1870	B „ „	..	849	17	2	„	719	14	8
	C „ „	..	252	8	0	„	122	8	0

The capital of B will now be 4,718*l.* expended on a farm of 472 acres, but that of C will only be 4,054*l.*† On the other hand, if the position of B be compared with the position of as many proprietary farmers of the pattern of C as could now occupy the same acreage as B, the advantage as regards the aggregate position of the former is enormously in favour of the proprietary system as introduced into Prussia. The comparison of the social structures would be the same as in the former series of calculations.

If the unfavourable set of assumptions involving a loss, as compared with the proprietary farmer, of 4 per cent. per annum to the tenant farmer be made, then the result is for the same period reversed even in the comparison of B with C. Thus—

			£	s.	d.		£	s.	d.
In 1815	B has an income of	..	43	15	0	and saves	10	18	9
	C „ „	..	40	12	6	„	7	16	3
In 1830	B „ „	..	60	3	3	„	22	14	0
	C „ „	..	45	5	6	„	12	9	3
In 1850	B „ „	..	118	1	3	„	37	14	3
	C „ „	..	127	16	9	„	47	9	10
In 1870	B „ „	..	205	19	9	„	75	19	9
	C „ „	..	252	8	0	„	122	8	0

The capital of B is now only 1,560*l.* on a farm of 156 acres, and therefore is scarcely the half of C's.

If without making the set of unfavourable assumptions, the other single unfavourable assumption be made that the tenant-farmer will only save one-half of his income, as the proprietary farmer does, the result will be scarcely less disadvantageous than the foregoing result for the tenant-farmer, and his capital in 1870 will be about 1,650*l.* expended on a farm of 165 acres.

I think that, in consideration of the fact that the proprietary farmer's land is a good savings' bank, not only in hoarding economies but in deterring from excessive expenditure, it is the more probable that a comparison on a large scale of tenant farmers and proprietary farmers as they really are in the course of half-a-century would incline in advantage to the proprietary farmers. But the question is far too large and complicated for me to attempt to approach to a decision. "Il vaut mieux remuer une question sans la décider que la décider sans là remuer," as Joubert has it.

Although by the time these Reports on land shall have been served, the readers of them will already have been satiated *ab ovo usque ad mala*, in respect of the Irish question, yet it seems to me that a moderate suggestiveness of flavour need not be denied to the *mala*. But, if I venture to draw any inferences, according to the impression made upon me by the facts and opinions set out in this Report, I must distinctly state, that I draw them, and then submit them for consideration, in connection with land in Ireland, subject to any correction which may be requisite, in consequence of my being unacquainted with the statesman's facts, which must ever form the basis of legislation for any country.

Ireland has been, for a long time, a land—

> "Wherein the beast was ever more and more,
> And man was less and less."

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* As land was practically valueless in 1815 the assumption of its value is very favourable to the tenant farmer in this comparison.

† It is assumed that C obtains only 4 per cent. on his savings beyond the amount of circulating capital required by his farm.

It has been assumed, all too hastily, as it would seem, that low farming was the chief source of the evils which afflicted Ireland. The alleged inaptitude of the people has also been cited as responsible for her woes. But the experiments in high farming do not seem to have been remarkably successful, whilst it is evident that in some cases maximum crops have been sought, regardless of the effect upon the nation of the clearances of men with which the attempt was accompanied.* On the contrary, it is probable, that under different conditions of life, the inaptitude of the people would disappear wherever it exists, and improved farming would spontaneously grow, instead of being planted as a sickly exotic. A people who, under the existing hard conditions of life, could reclaim 2,000,000 acres in a quarter of a century, can be reasonably expected to do great things under better conditions of life.

Proposals for dealing with Irish Land Question.

At the head of the proposals for curing the evils of Ireland is Mr. Mill's plan of proprietary cultivators. I venture to think, with much reverence for the great master of economic science, that there do not exist in Ireland† the same foundations on which to to build such a superstructure, as existed in Prussia, and that, until the impossibility of doing so be clearly demonstrated, the new structure for Ireland should be erected upon the old, and not upon new foundations. On the other hand, I think that it could be shown, from the experience of Prussia, that the objections, urged by advocates of competition at all cost, against the State undertaking such a financial operation as Mr. Mill recommends, are less well-founded than is popularly supposed. Mr. Bright's auxiliary plan is open to similar remarks. The plan of fixity of tenure, so far as I am informed, is a species of perpetual lease, which, as in Prussia, could only be used as a stepping-stone to absolute ownership for the cultivators. The enforcement of agricultural leases is seemingly an imperfect expedient. The plan of Judicial Courts of Equity to determine the relations of landlord and tenant, which is shadowed out in the letters of the "Times'" special correspondent,‡ seems to be far more deserving of attention. It seems to be warranted by many analogies in the Prussian legislation, but it would lack the distinctive instruction of Prussian law to the Courts to discern the equities of land and peasant, on the basis of investing the latter with absolute ownership. The basis for the so-called judicial Courts would probably be the Ulster custom, of which I do not know all the bearings.

If then the balance of advantages and disadvantages be found to be against any total demolition of the social agricultural edifice and in favour of a reconstruction on the old foundations in Ireland, a construction of proprietary cultivators seems to be excluded.

Special inference from Prussian data, &c., for Ireland.

Looking consequently to the history and present aspect of Prussian agricultural economy and submissive to correction based on statesman's facts, I venture to draw this special inference that the land question in Ireland might be successfully solved by an improved system of tenant cultivators. It has seemed to me that the Irish custom of land is the rough expression of a system of tenancy in which the landlord is only entitled to theoretical rent, and the tenant is entitled to all other component parts of the gross agricultural returns. It is equivalent consequently to a system of tenancy in which the tenant carries out all necessary improvements. He is, in fact, a usufructuary in the sense in which that term is hereinbefore employed. The present untoward state of affairs has from this point of view arisen from the exposure of the Irish custom to the benevolent or malevolent will of the landlord without any remedy at law for the injured tenant even in the extreme case of a confiscation of his improvements. Subject then to correction for the two reasons above mentioned, I submit with diffidence that the new structure be reared upon Irish custom in such a manner that the rent recipient shall be clearly distinguished from the usufructuary; that all permanent improvements shall belong to the usufructuary, the rent recipient only competing with other capitalists in furnishing the necessary capital; and that the usufructuary shall possess a title to the usufructuary property in the land which he shall be free to alienate.§ The landlord would assuredly lose nothing of importance by the reconstruction, whereas the tenant would gain security of possession, immunity from disproportionate rent, and, in addition, the right to his improvements and the improvement of them. It would depend upon the tenant's industry, intelligence, and thrift as to whether he obtained the maximum of profits or less than that maximum. I presume that such a legislation could be applied throughout Ireland, and that it would mould the Ulster custom, if that custom differ from this system of tenancy. Moreover it avoids the complexities of drawing any line between commercial and

* The question as to whether men or wealth—the producing forces or the produce—are the most required in a State is not an easy one. The authors of these clearances probably thought the wealth, and not the men. Schwerz, I believe, lays it down that according to its views the State must promote potatoe-growing to increase the men, or promote clover-growing to increase the wealth. This looks bizarre, but it covers much truth.

† *Vide* "General Observations," Division D of Part II.

‡ I regret that his last letters, in which he no doubt gives substantial form to his idea, have missed me.

§ *Vide* page 447 for the leading ideas of such a system.

customary tenants, as it would be equally applicable to both. Such a measure would, of course, have to be accompanied by the establishment of Rent Courts to determine rent in cases of dispute, to settle liabilities in respect of projected improvements, and to decree evictions in cases of necessity. Although I believe that a sense of security would draw out a large amount of hidden savings, yet I think that such a measure as this should be accompanied by auxiliary measures, such as for affording facilities for the formation of associations of self-help and even of associations with a small element of compulsion, and also for facilities for procuring of capital. If it be right that landlords should have had the benefit of Acts of Parliament for obtaining capital, could not the benefit be granted with equal right to the usufructuary tenants of the suggested system? Might not the savings' banks be empowered to perform the same services in Great Britain which they perform in Prussia? Might not the influence of the State be beneficiallyexercised for his instruction in bringing agricultural knowledge to the hearth of the smaller proprietors and in instituting practical experiments of farming within his reach? Or will the great voluntary principle act yet better, and send itinerant instructors in agriculture throughout the land, and establish here a meadow-master where meadows are wastefully neglected, or here a fruit-master where orchards are ignorantly tended?

It may be that the evil which has crept from generation to generation to reprove us in Ireland cannot now be removed by such a scheme of so little dislocation of the present structure. It may be that greater dislocation may be necessary before a sufficient stability shall be attained. And if the wisdom of Great Britain, instructed by the greater economic and political knowledge of the age, fail to design and build up a better structure, even the structure of proprietary cultivators, as erected in Prussia half a century ago, may eventually have to be erected. But whatever may be the course which legislation may take, there are keen observers who will watch it from afar, and who, watching from afar, think that they can see the direction of the current better than those who are borne along in it. Any supposed indications of a decline of England are noted with varying feelings of delight and distress by such foreign observers. The woe of Ireland may even be considered an indication that the gods have shaken the house. If failure follow woe, the chorus will swell yet more loud:—

οἷς [μὲν] ἄν σεισθῇ θεόθεν δόμος, ἄτας
οὐδὲν ἐλλείπειν, γενεᾶς ἐπὶ πλῆθος ἔρπον.

But on the contrary the voices will be silenced, for the failure will not be, and the woe shall cease to be.

General inferences.

I venture also, looking to Prussian agricultural economy past and present, to draw a few inferences of general application to Great Britain. The title to land should be simplified and its transfer rendered as easy and cheap as possible. The freest exchange in land, although it may not bring more land into the market, is desirable as being beneficial. Laws of settlement and entail should be at any rate so modified as to enable a life tenant to improve estates without the outlay being swallowed up forever by them and the children being deprived of their portion in his fortune separate from the estates, and as to lessen the probability of so much land being kept in fetters as appears to be now the case. Children's rights should be recognized in law to about the same extent as, but with less complexity than, in Prussia. The law of intestacy should prescribe equal division amongst next of kin for real as well as personal property. But otherwise full liberty, subject to children's rights, should be allowed in the disposal of property by appointment or bequeathal. Lastly, all remaining rights of common should be commuted. I have not placed the principles of Prussian laws for irrigation and reclaiming land amongst these general inferences, but they are certainly worthy of attention for adaptation to similar undertakings in Great Britain. It will perhaps be considered that these inferences point to more or less various defects in our land system; and if they be defects, as Prussian experience teaches, it is well to know them, even if they be more numerous than we like to acknowledge. The man who has many defects and knows them is better than he who has fewer defects and does not know them. But the best man is he who has few defects and knows them. This is likewise true of nations. The best nation is the nation which has few defects and knows them. Let it be then the glory of England to have as few defects as possible and to know them. The remedy is usually easy when defects are known. Our statesmen can always be trusted to apply practical remedies or to judiciously remove defects. The wisdom of another century of the governed and the experience of another century of the governing will prevent the presentation of measures which shall share the fate of too many of the admirable measures of a Turgot. But if with minor defects the greater defects affecting land require removal, and if a great evil arising mainly from these demands urgently the most careful attention, our statesmen will

be earnestly called upon to deal effectually with it and with them. That great evil is the lack of capital from which British agriculture suffers. It is no small measure owing to the present land system with its obstructiveness of freedom. The maintenance of agriculture at a maximum of prosperity, must ever be the solicitude of the statesmen of even an industrial country like England. Moreover there are not wanting signs, looming it may be on the far horizon, that two great dangers are menacing England. The one is the disproportionate unlanded or unpropertied class The statesman who shall pass measures for removing that disproportion will indeed deserve well of his country. The other is a possible decline of manufacturing industry. If the possibility should assume the portentous shape of a probability, the statesman who shall pass measures to facilitate and provide for the transfer to agriculture of any capital which may be liberated from manufacture will indeed deserve well of his country. The names of such statesmen, and of him too who shall content the discontented cultivators of Ireland, will be handed down to posterity as household words, and will be passed from generation to generation with, if it be possible, a yet greater renown and yet greater national gratitude, than the renown and gratitude with which the names of Stein and Hardenberg are being passed from generation to generation, as household words of the great Prussian people.

Capital for England's agriculture.

Household words

Having concluded the task which was confided to me, I think it fair to repeat in the body of the Report the obligation under which I am to the many books which I have consulted, and to repeat the avowal that I have freely used the official work of Dr. Meitzen on "The Agricultural Relations of Land in Prussia," from which I have not seldom made abstracts with only moderate abbreviation. I feel it incumbent upon me to record also the gratitude which I feel for the ready and courteous manner in which my personal inquiries have invariably been answered, and for the kind reception with which, during my journeys, I was everywhere honoured.

Thanks to all and several.

Neither can I forget that I owe much of the time devoted to this Report to the kindness of my colleagues. I am no Marillac—I cannot find more than twenty-four hours in the day. If, therefore, I could only have devoted all my leisure to the accomplishment of my task, it could not have been, even so imperfectly, accomplished. But I am exceedingly grateful to a colleague that, in consequence of his delaying to avail himself of the leave of absence to which he was entitled, I was enabled to employ in this labour time which would otherwise have been spent in my ordinary duties. Nor can I leave unmentioned the kindness of other colleagues in undertaking from time to time many of my routine duties.

Last of all, the writer begs leave to set forth his thankfulness that the tide of events brought to him the task which has now reached its end. Although that task be, indeed, one of real and virtual smallness, yet it has been one, not only of some labour, but also of much pleasure. Whatever little usefulness it may have for others, it has had much usefulness for himself. It has agreeably broken the almost daily round of blind work—so seldom broken—which is his lot, until a second score, or haply score and ten, of the unlikely three score years and ten of life be thus spent. Each year of less hopeful toil burns in more deeply the searing gospel of passing time that the labourer, who bears the heat and burden of the day is not worthy of his tardy penny, but only worthy of these comfortable words of the heathen chorus—

πόνος πόνῳ πόνον φέρει.

Appendix A.

List of Terms and Definitions.

Changing Lands are portions of land which may or may not have been connected with the land of a close estate, but which are and have long been freely alienable and divisible without reference to any such a close estate. I have been unable to obtain satisfactory information as to their origin, but they seem to have arisen mainly from two causes. The first is the permissive relaxation (to a half or a third of the land) of the universal prohibition to alienate portions of a landed estate. The second is the leasing of ecclesiastical lands by the monasteries and the subsequent lapse of the quit-rents. Such portions of land bear the names of "Wandelacker," "Wandelnde Güter," and "Walzende Grundstücke," in the Province of Saxony, which terms are, in this Report, represented by "changing lands."

Close Estates ("Geschlossene Güter") are estates of which the component parts lie compactly together, and are not scattered throughout the surrounding lands of a village or

town. The term seems also to have formerly carried with it the meaning of an estate inherited without divisibility.

Close Villages ("Geschlossene Dörfer") are villages or small towns inhabited by landowners, whose lands lie scattered within a well-defined boundary around the village or town They therefore constitute compact areas of land, containing the straggling portions of numerous estates.

Emphyteutic refers to "emphyteusis" or "jus emphyteuseos," which confers a kind of real right to land upon the usufructuary who occupies it, without, however, giving him the absolute ownership. The conditions on which land may be held by the "jus emphyteuticum" may vary much, as may also the conditions on which a building may be held by the corresponding "jus superficiarium;" but both require a long period of tenure and are compatible with perpetual tenure.

Free Farms ("Freihöfe") are agricultural estates held by private individuals independently in districts of which the lands are continually subject to customs of property in common.

Ground Rent ("Grundzins, Bodenzins") is the annual rent paid by the usufructuary, his heirs and assigns, for the use of the upper surface to the owner, who retains the title to the substance of the land and the use of all materials under the agricultural surface.

Hereditary Lease ("Erbpacht") is usually a contract by which the usufructuary for himself, heirs and assigns, undertakes, in return for the usufruct of the land to pay to the landowner an annual rent in proportion to the returns from the ground. This rent was in money or kind, or in corresponding services. As soon as the rent took the form only of a recognition of the landowner or manorial lord, it became a quit rent.

"*Hufe*" has not been translated, but the Anglo-Saxon "hyde" seems to be its counterpart. The "Hufe" was originally, like the "Hyde," as much land as sufficed for the maintenance of a peasant cultivator's family. After being the term for various standards of size, it acquired the meaning of the area of land which a man can plough in one day, corresponding to the old English "oxgang." The "Hufe" of modern times varies in the measurement it denotes, according to the ideas of the different parts of North Germany, as to what can be ploughed in a day. The popular idea of its etymology is, that it refers to the hoof ("huf") of the ox, who draws the plough, and therefore means as much land as is marked by the hoof in a day of ploughing. If I mistake not, the Anglo-Saxon "hyde" has passed through a similar series of meanings, and reached at last the meaning involved in the popular etymology that a "hide" of land was as much land as could be inclosed by the strips of the hide of ox.

Indefeasible Heritages ("Pflichttheile") are sufficiently explained in the text. I considered indefeasible or obligatory to render most nearly the meaning of "Pflicht" in the compound word above cited.

Independent Farms ("Einzelhöfe") are agricultural estates which are isolated from and independently situated with respect to all neighbouring estates. They are, consequently, the reverse of agricultural estates scattered in several portions within the boundary of the lands of an agricultural village. They are also the reverse of an agricultural village in this respect, that the owners of the independent farms have their farm-houses and buildings upon each separate estate. They are, in fact, like farms in England, and are different from the usual Teutonic arrangement of farms aggregated in villages.

Land Communities ("Markgenossenschaften") represent the early aggregations of men to whom land was a possession in common. This arbitrary, but it is hoped explanatory, translation of "Markgenossenschaften" was selected lest a literal translation of "Mark" by *March* should mislead, as these "Markgenossenschaften" are associations long anterior to the establishment of the military marches. As to what the "Mark," as the boundary of any given community or association was, there is much interesting information, but it is more of archæological interest than of agrarian interest, except in so far as it has by the resulting outward arrangement of the land and the resulting rights of common, received recognition in this report.

Lassitian ("Lassitische") is an anglicised form of a German word which is a German form of a Latin juristical term. Lands held on Lassitian conditions are the "bona lassica" of the jurists. But Lassitian rights seem to cover a larger area than the juristical "Lassrechte," for in the Law of March 21, 1850, special care was taken to prevent the narrow construction of Jurists from rectricting the application of section 74 to the latter alone. The Lassitian peasants had relations approaching to freedom and receding from serfdom, but they seem to have been under obligation to render certain feudal services. They could not give up or alienate their farms without the knowledge and consent of the lord of the manor, but they seem to have had freedom of contract and power to inherit by will or *ab intestato*. In many parts of the kingdom these Lassitian conditions amounted to no

more than tenure on quit-rents. The Lassitian relations were also held to exist in cases of leasing, where, unless a covenant to give up possession on demand to the lord could be proved, the occupier was maintained in possession. In those cases the rent became a quit-rent and eventually lapsed.

Lord of the Manor ("Gutsherr, Grundherr") is not always the equivalent of the German words, but landlord was excluded by the fact that, in this report, the relations of landlord and tenant in the modern sense were also to be treated. The term of lord of the manor means in this report, he who has the lordship over certain landed properties, such as peasants' estates, and also he who has the title to, or rather the "dominium directum" of, an emphyteutic estate. It therefore includes the lordship of manors.

Natural Heirs ("Notherben") is an explanatory translation of the German, which it is thought conveys the meaning better than would a literal translation of "necessary heirs" for the "Notherben" are the natural heirs to the inheritance and also constituted the legal heirs to a part of it.

Obligatory Heritages ("Pflichttheile"): *vide* "Indefeasible Heritages."

Peasant ("Bauer") is employed rather than yeoman, because the "Bauer" is not necessarily a proprietor, whereas yeoman is properly a proprietor; the term peasant must therefore be considered to include yeomen and statesmen as landed peasants in addition to the unlanded peasants, and to mean one or the other, or both, as may be necessary.

Privileged Estates ("Rittergüter") was selected as an explanatory translation, marking the chief existing distinction between such knight's estates and other non-peasant estates.

Quit-rent ("Erbzins") is, as in England if I mistake not, the small due annually owing by the occupier in recognition of the proprietorship of the land which has arisen from former commutations of feudal or quasi-feudal rights.

Appendix B.

List of Books specially consulted.

"Die Landes-Cultur-Gesetzbung des Preussischen Staates," by Lette and Rönne, 1854.

"Die Preussischen Gesetze über Landescultur und landwirthschaftliche Polizei," by J. Grief, 1866.

"Das Domainen-, Forst-, und Jagd-Wesen des Preussischen Staates," by Ludwig von Rönne, 1854.

"Das Recht des Familienfideicommisses," by Dr. Williams Lewis, 1868.

"Vorträge über Lehenrecht," by Dr. Johaun Blaschke, 1847.

"Ueber die Erbfolge, in die neuvorpommerschen und rügenschen Lehngüter," by Dr. August Auschütz, 1864.

"Theorie und Praxis des heutigen gemeinen preussischen Privatrechts," by Franz Förster, 1867 to 1870.

"Rechts-Verhältnisse zwischen Verpächtern und Pächtern," by Dr. G. M. Kletke, 1866.

"Verfügungen in Hypothekensachen," by Paul Wolff, 1862.

"Die Subhastations-Ordnung," by Paul Wachler, 1869.

"Allgemeines Landrecht fur die Preussischen Staaten," by Schering, 1859.

"Das deutsche Grundbuch- und Hypothekenwesen," by H. A. Mascher, 1869.

"Das Preussische Erbrecht," by Dr. C. F. Koch, 1867.

"Das Institut der Landräthe in Preussen," by Dr. H. A. Mascher, 1868.

"Zur Erklärung und Abhülfe der heutigen Creditnoth des Grundbesitzes," by Rodbertus Jagetzow, 1869.

"Das Staatsbürger-, Niederlassungs-, und Aufenthaltsrecht, sowie die Armengesetzbung Preussens," by Dr. H. A. Mascher.

"Staatsverwaltung und Selbstverwaltung," by Dr. Rudolf Gneist.

"Die fünf französischen Gesetzbücher," by Johann Cramer.

"Sammlung von Gesetzen und Verordnungen welche in den Königl. Preuss. Rheinprovinz gelten," by Johann Cramer, 1850.

The same continued to 1862, by Wilhelm Auf'mwasser.

"Der landswirthschaftliche Real- und Gewerbekredit," by Dr. H. A. Mascher.

And about thirty various pamphlets and small publications on the questions of land credit, working classes, taxation, associations, &c.

"Der Ackerbau in dem Landgebiete des Stadtes;"
"Landwirthschaftliche Skizzen von Rheinpreussen;"
"Beiträge zur Kenntniss der Landwirthschaft;"
"Schilderungen der Baltischen und Westphälischen Landwirthschaft:"—all by Dr. A. Lengerke, 1849 to 1853.
"Landwirthschaftliche Mittheilungen aus West- und Ost-Preussen," by Dr. E. John, 1859.
"Die Provinz Preussen," Festgabe in 1864.
"Die Ländliche Arbeiterfrage," by Dr. A. von Lengerke, 1849.
"Die Darlehenskassen-Vereine," by F. W. Raiffeisen, 1866.
"Mittheilungen der Kön. Landwirthschaftlichen Akademie Poppelsdorf," 1868.
"Die Landwirthschaftliche Akademie Proskau," 1869.
"Archiv des Norddeutschen Bundes."
"Annalen des Norddeutschen Bundes."
"L'Europe Politique et Sociale," by Maurice Block, 1869.
"Statistik des zollvereinten und nördlichen Deutschlands," by Dr. Georg von Viebahn, 1858 to 1869.
"Handbuch des Statistik des Preussischen Staats," by C. F. W. Dieterini, 1858 to 1861.
"Der Boden und die Landwirthschaftlichen Verhältnissen des Preussichen Staats," by Dr. Meitzen, 1869.

And the various statistical publications of the Prussian Statistical Bureau under the editorship of Dr. Engel.

Also the Official Reports by the County Counsellors upon their respective departments.

Finally, I am specially indebted to the kindness of the County Counsellors of Mülhausen and Wetzlar for some very useful manuscript statistical information.

(Signed) J. P. HARRISS-GASTRELL.

Note.—I have not enumerated the books of reference, or of political economy, or of history, which I consulted in the course of my Report.

J. P. H-G.

Inclosure 3 in No. 19.

Consul Hertslet to Lord A. Loftus.

My Lord, *Königsberg, October* 12, 1869.

IN obedience to your Lordship's instructions of the 27th of September, I have now the honour to forward replies to the queries regarding the tenure of land in East Prussia.

I have, &c.
(Signed) W. J. HERTSLET.

Inclosure 4 in No. 19.

Report by Consul Hertslet on the Tenure of Land in East Prussi.

Name of Country.—East Prussia, comprehending the two Provincial Governments of Königsberg and Gumbinnen, with respectively 468 and 298 German square miles, or about 3,354 English square miles.

Königsberg is the seat of the Upper Government of the entire Government of Prussia, including East and West Prussia, and consists altogether in 1,178 German square miles, or about 5,586 English square miles, and is inhabited by 3,114,608 persons.

Population.—The Government of Königsberg is inhabited by 1,024,591 persons; Gumbinnen by 652,000 persons; or 1,676,591 persons.

Religions.

Christians—Protestant	1,427,318
„ Roman Catholic	222,081
„ Greek „	83
„ Mennonites	5,329
Jews	11,788

Industrial Pursuits.—The thin population and want of any particular mineral or other natural production. Amber-dredging being only a source of labour to a few, together with saw-mills, and a few not very important manufactories have made agriculture to be the chief industrial pursuit of the inhabitants, together with horse, sheep, pig, and cattle-breeding. The number of horses in the province is calculated to be 600,000; of sheep, 3,810,000; pigs, 600,000 to 700,000.

The changeable climate and other causes make agriculture very precarious.

The sea-towns, Königsberg and Memel, have a considerable trade, consisting principally in the export of the agricultural produce of the province, and of grain, flax, timber, &c., from the adjacent Russian-Polish provinces; and the import of colonial and other goods required by the inhabitants of the same provinces, and since the construction of the railways the importation and exportation of goods *in transitu*, to and from Russia, has increased considerably from year to year.

Land Occupation.

(A.) All land in this province, whether held by large or small proprietors, is freehold personal property, with the exception of a few families whose estates are entailed.

(B.) The system of tenants under proprietors cannot be said to exist at all in these parts, except in the case of the Royal domains, which are usually farmed on leases of eighteen years, and a few exceptional cases where private persons let their estates to tenants, but this is rare, and sub-tenants are not known of.

Before the war of 1807, 1812, and 1813 the land belonged exclusively to the nobility and gentry, and the inhabitants were serfs. By the Edicts of Frederick William III of 9th October, 1807, 27th July, 1809, and 14th September, 1811, this was altered, and a part of each estate, one-quarter to one-third, was separated and divided as freehold property among the former serfs. The compensation was that the proprietors, who formerly had to support their serfs in good and bad terms, were now liberated from that onus, and the serfs who had become proprietors had henceforth to support themselves. The extreme depression of the value of all landed property from the French invasion made it alone possible to carry such a measure through. Land was nearly, and in many cases quite valueless, and the onus of supporting the serfs impracticable from want of means.

(A.)—Small Proprietors.

1. From 2 to 3 acres up to 30,000 acres and upwards, each estate being a distinct freehold property.

In the entire Province of Prussia the number of estates under and up to—

5 morgen is	49,212
From 5 to 30 morgen is	44,581
From 30 to 300 morgen is	82,956
From 300 to 600 morgen is	4,370
From 600 to 40,000 morgen is	4,123

3 morgen = 2 acres.

Some estates have privileges from former possessors—noble rights—the proprietor wears a military uniform, and has a voice at the Provincial Diet, and is a sort of Police Director or Justice of Peace on the estate. Of those estates there are 2,343 in this province; but since the introduction of constitutional institutions and a House of Representatives in Berlin, these privileges have become antiquated and are gradually becoming obsolete. There are 201 Royal domains. There are only 59 estates which have been in the same family for 100 years. This is the natural consequence of the division of property in equal rates to all children on a person's death. Land under tillage has increased by 1,000,000 of morgen in the last sixteen years.

2. The law, except in the few cases of entailed estates, is the same for land as for other property. When a man dies all his property is divided into equal shares amongst his children. Generally, all is sold and the proceeds are divided.

3. There is a little difference between the method of the sale of land and of other property. The parties agree upon the terms of the sale, and go before a Notary Public and a legal contract is drawn up, which gives immediate or any stipulated possession, and the title deed is booked in the Hypotheke-Book, and the mortgages on such estates are registered on requiry. The same estate may be bought and sold many times in one day. By direct descent there are no costs. In cases of sale the costs are, for stamp 1 per cent

notarial charges for contract 16 to 20 rixthalers, say 3*l.*, without reference to value, which makes no difference. The legal costs for noting the sale in the Hypotheke Book are, for 1,000 rixthalers (150*l.*) and upwards 1 per mille, under 1,000 rixthalers (150*l.*) $\frac{1}{3}$ per cent.

4. Instead of leasing a farm, as in England, a man here buys a freehold estate. It seldom happens that a man has the whole of the purchase money to pay down, one-half, a third, a quarter, or less, of the sum total is only usually paid. The Royal Landschafts Bank, a Government institution, grants loans up to one-third or one-half of the appraised (low estimate) value of the estates. These loans are granted in the shape of loan letters ("Pfand-Briefe") with coupons attached bearing $3\frac{1}{2}$ and $4\frac{1}{2}$ per cent. which are paid by the Landschafts Bank. These loan letters or Pfand-Briefe are subject to heavy discount in the money market, and the loan-taker has virtually to pay 6 to 7 per cent. for the advance per annum.

The Pfand-Brief advance is registered in the Hypotheke-Book and in case of sale is generally undertaken by the buyer. If the interest is not duely paid the estate is brought to the hammer through the Law-court, and (since 1868) sold within six months. Mortgages in the second or third place, beyond the advance of the Landschaft Bank, are made either by agreement with the seller or by other private banks or money-lenders, and the rate of interest is frequently high.

5. The properties are nearly all heavily mortgaged. The usual rate of interest is 6 per cent.

6. The parties make an agreement before a Notary Public. This agreement is taken to the Hypotheke Court and registered in the Hypotheke-Book. The lender receives a verified copy of the Registration. The expense is very trifling. When the debt is paid the payment is noted in the Hypotheke-Book and ceases to exist.

7. The crops raised are wheat, rye, barley, oats, peas, beans, potatoes, rape-seed, linseed, clover, thymothy, lupines, beets, mangelwurzel, buckwheat, meadows. The soil of the province varies most considerably. The proprietors cultivate their land according to their own free judgment as to rotation or otherwise. With stock it is the same; every proprietor acts according to his own will. All animals must be housed and fed in stalls or stables during the winter months.

The surface of East Prussia represents;

	Morgen.
Land under tillage	6,750,379
Garden land	209,255
Meadow land	1,799,344
Waste or common	1,191,827
State and private forest	2,350,085

Three Magdeburg morgen about equal 2 British acres. About one-half of the province is under tillage.

8. Machinery, particularly threshing-machines and cutting implements are coming more and more into use, during the few late years and would be much more employed if the proprietors had the means of purchasing them. The harvest for some years past, from climatic reasons, have been so bad, that a large number of proprietors have been quite impoverished, and State assistance and foreign subscriptions have been necessary to keep down hunger, typhus, and starvation.

Hired labourers are much employed, both male and female.

	Sgr.		*s.*	*d.*
A hired male labourer in summer	15	=	1	6
A hired male labourer in winter	12		1	2
A hired female labourer in summer	12		1	2
A hired female labourer in winter	8		0	7
A male labourer living with his employer	3 to 4		0	3 to $3\frac{1}{2}$*d.*
A female labourer living with her employer	$2\frac{1}{2}$		0	3

All per day with free dwelling, a certain quantity of rye-meal for bread-fodder for a cow, and some potato or gardenland.

9. These labourers do not emigrate much, they have no opportunity or means of so doing, they would have to get to some emigrating port such as Bremen or Hamburgh to do so, which is not easily done.

10. The proprietors generally live on their property whether apart or in the villages.

11. The proprietors are mostly well-housed and clad and fed according to the size and productiveness of their estates generally; lately from a series of bad harvests the small

proprietors and those dependent on them, have been obliged to resort to State and private assistance. In 1869 the harvest is good and food abundant, but the bebts incurred in the last few years are pressing heavily on the proprietors.

12. The entire acreage of the province is 20,767,395 morgen with 3,114,608 inhabitants, or $6\frac{3}{4}$ persons to the morgen or about 13,144,930 acres with about $4\frac{1}{4}$ inhabitants per acre. Population remains nearly unaltered except that the smaller country towns decrease and the larger towns increase in population since the introduction of railways.

13. The general public opinion is very favourable to the system of the law as to land-holding in Prussia. A man has not to become a tenant and be under any restraint or obligation to his landlord or anybody else. . He buys an estate on the best terms he can, and as long as he pays the interest of the mortgages regularly, he is undisputed monarch on his own free land. He can cultivate it according to his own judgment and is answerable to nobody. Any improvements or buildings he may construct are for himself and his own benefit. Instead of paying a rent to a landlord and becoming a tenant, he has to pay interests on mortgages, but becomes an independant proprietor and many are very successful and improve their position. The great difficulty is the uncertainty of the climate and the frequent changing of proprietors occasioned partly by the lord of inheritance and partly by the realizing of profit by selling as soon, a proprietor has either by good fortune or good cultivation increased the momentary value of the estate, and the proprietors are much attached to the land which belongs to themselves.

(B.)—Tenants and Sub-Tenants under Landlords.

1, 2, 3, 4, 5, 6. This system is unknown here, and queries cannot be replied to.

Rent.

1, 2, 3, 4. Admit of no reply, being unknown here.

Evictions.

1, 2. Have likewise no connection with any system here. A proprietor who does not pay principal if required to do so, or the interest on his mortgages is sued at law, and the property sold by the Court within six months. This has been very frequent of late years from the series of bad years and failure of the crops, from excessive wet or excessive draught and heat.

Improvements.

1, 2, 3, 4, 5. Admit of no reply from same reason. All is for the proprietors own account (who has no tenant), Government give assistance for amelioration purposes (drainage).

Miscellaneous.

1. No tenants exist.
2. No tenants exist.
3. No tenants exist.
4. The Mennonites emigrate to avoid military service, and other young men do so likewise for the same reason, but not very extensively.
5. The system is much liked. Each man is a freeman on his own estate and provided that he obeys the laws and pays his interest, an estate proprietor is the most independent man in the world. Such a state of things can only be practicable after the complete ruin of a country by foreign invasion. In Russian Poland a similar process is now being gone through to a still further extent. Here the former proprietors are completely eradicated, and the land passing into the possession of the former serfs. The disadvantages of the Prussian system is the frequent change of the owners and the tendency it causes in good times for a speculative business by unscrupulous parties in selling and buying estates.

6. The creation of freehold estates, taken without money compensation from the former proprietor was enforced by the Edicts of Frederick William III in 1807; land was then valueless and all parties are now reconciled to the present state of things.

7. The compensation was the abolition of the onus of supporting all the serfs on the estates at all times. Since that time they have to maintain themselves.

8. Public opinion is in favour of the present state of things.

9. No system of alteration by the Government is at present in force.

10. There are no tenants.

11. The laws of inheritance tend to subdivide landed property.

Copyhold.

There are no tenures resembling the copyholds in England.

Königsberg, October 12, 1869.

(Signed) W. J. HERTSLET.

No. 20.

Mr. Thornton to the Earl of Clarendon.—(Received December 12.)

My Lord, *Washington, November* 29, 1869.

WITH reference to your Lordship's Circular despatch of the 26th of August last, I have now the honour to inclose a Report upon the tenure of land in this country, which has been drawn up by Mr. Ford, First Secretary to this Legation, and to the preparation of which he has devoted himself exclusively and with much industry and zealous application since the receipt of that despatch. Another paper is likewise inclosed, relating to the same subject with reference to the important State of Massachusetts, which has been prepared by Mr. Le Strange, Third Secretary to this Legation.

These documents have been drawn up with so much care and so fully that I conceive that any observations of mine would be superfluous. Your Lordship will at once observe that the principal feature of the system of land tenure in the United States, which no doubt contributes so much to general contentment and happiness, is the extreme cheapness of the land and the facility in acquiring it.

With regard to the Irish who arrive in this country it is the result of every-day observation that the majority remain in the large towns where, with rare exceptions, they do little good for themselves, are unthrifty, quarrelsome, and intemperate; but where single families devote themselves to agriculture, and are able to purchase the land which they cultivate, they at once take so great an interest in what they can call their own, that their character is entirely changed, and they become thrifty, orderly, and useful citizens, and acquire a great respect for the rights of property.

I have, &c.

(Signed) EDWD. THORNTON.

Inclosure 1 in No. 20.

Report respecting the Tenure of Land in the United States.

Name of Country.—United States of America.

Population.—The population of the United States amounted, in 1860, to 31,443,322, of which number nearly 27,000,000 were white persons.

The first census taken under the Constitution was in the year 1790, when the population numbered 3,929,827.

The yearly rate of increase since that period has been 3 per cent., and should it continue in the same ratio, the population of this country in 1900 will exceed 100,000,000.

The following Table shows the distribution of the population in respective divisions

of the Union; also the estimated increase of population in 1868 over the amount of population in the year 1860, when the last decennial Census was taken:—

Divisions.	Census of 1860.	Estimated, 1868.	Net Increase.
Eastern States	3,135,283	3,644,568	509,285
Middle States	8,333,330	10,227,000	1,893,670
Western States	10,254,420	14,120,772	3,866,352
Southern States	9,103,332	9,428,883	325,551
Pacific States	432,459	634,685	202,226
Territories	184,497	367,087	182,590
Aggregate	31,443,321	38,422,995	6,979,674

It is estimated that 21,000,000 of the present population of the United States are descended from foreigners who have entered the country since the formation of the Government.

Religion.—With regard to the different religions professed in the United States, it is calculated that 27,000,000 of the population are Protestant, 5,000,000 Roman Catholics.

There are, moreover, many members of other religious denominations, such as Methodists (1,255,115), Baptists (1,094,806), "Friends" (100,000), Congregationalists (283,587), and Lutherans (350,088).

Industrial Pursuits.—The following is a statement of the leading manufactures of the United States, and the value of product of each for the year ending June 1, 1860:—

Leading Manufactures.	Value, in £ sterling, of Product, in round numbers.
	£
Flour and meal	46,280,983
Cotton goods	23,760,330
Lumber	19,834,710
Boots and shoes	18,595,041
Leather, including morocco and patent leather ..	14,876,033
Clothing	14,462,809
Woollen goods	14,257,025
Machinery, steam-engines, &c.	9,710,744
Printing—book, job, and newspaper	8,677,686
Sugar refining	7,954,545
Iron-founding	5,888,429
Spirituous liquors	5,165,289
Cabinet furniture	4,958,677
Bar and other rolled iron	4,545,454
Pig iron	4,028,926
Malt liquors	3,719,016
Agricultural implements	3,677,686
Paper	3,615,702
Soap and candles	3,512,570

System of Land Occupation in the United States.

The system of land occupation in the United States of America may be generally described as by small proprietors.

The proprietary class throughout the country is, moreover, rapidly on the increase, whilst that of the tenancy is diminishing, and is principally supplied by immigration.

The theory and practice of the country is for every man to own land as soon as possible.

The term of landlord is an obnoxious one.

The American people are very averse to being tenants and are anxious to be masters of the soil, and are content to own, if nothing else, a small homestead, a mechanic's home, a comfortable dwelling-house in compact towns, with a lot of land of from 50 feet by 100 feet about it.

In the sparsely-peopled portions of the country a tenancy for a term of years may be said to exist only in exceptional cases.

Land is so cheap there that every provident man may own land in fee.

The possession of land of itself does not bestow on a man, as it does in Europe, a title to consideration; indeed, its possession in large quantities frequently reacts preju-

dicially to his interests as attaching to him a taint of aristocracy which is distasteful to the masses of the American people.

Again, investment in land, except that held in cities, is not, as a rule, so profitable as many others.

Railway, bank, and insurance stock and mortgage bonds, for instance, return a greater per-centage for money ranging from 6 to 20 per cent.

There are, moreover, heavy taxes to be paid on land.

The Government of the United States may be termed the great landlord of the country, and is ever willing to sell its unoccupied acres to the first bidder, granting him, at the same time, every facility in the way of payment.

Under an Act of Congress passed in 1862, and known as the Homestead Law, every citizen of the United States, or any foreigner, who shall declare his intention of becoming a citizen can, after a residence of five years upon the land, secure an absolute title to a farm of 160 acres in any of the unappropriated territory of the United States surveyed for occupation.

Absolute titles to land are easily and quickly acquired, and the cultivation of the soil is so remunerative that tenants soon accumulate the means of purchasing the land and of thus becoming proprietors.

In the Western States, especially where unoccupied and cheaper lands are plentiful, occupancy by tenancy or otherwise is comparatively little known, except in the cities and villages where other than agricultural avocations are pursued.

The practice of the National Government is to lay off its unoccupied land in sections of one mile square, which are again divided into blocks varying from 80 acres to 640 acres.

The quantity of land held in farms in this country is seldom intersected by that of other proprietors.

In the New England States the farms are usually small.

In the State of Massachusetts, for instance, the number of acres held by single owners varies from 20 to 50 acres.

In Rhode Island, which State comprises an area of only 1,306 square miles, the farms are likewise small.

In 1865 they numbered 6,486, of which 1,493 were of 20 acres and under 50 acres. There were only 37 farms altogether of 500 acres and over. It may be stated as showing the large proportion in the State of Rhode Island of the numbers of farmers owning land, over that of farm labourers, that the former amounted to 10,754 and the latter to 5,440 only.

In the Middle States farms are also small.

In the State of New York they average from 100 acres to 200 acres. In the State of Pennsylvania from 50 to 400 acres; poor men, however, hold much smaller quantities in Pennsylvania, and wealthy ones much larger, especially of what are known as wild or unimproved lands.

In the Western States farms are large, though in Michigan they average from 80 acres to 200 acres.

The State of Minnesota contains about 54,000,000 acres, of which about 24,000,000 acres have been appropriated to settlements and other uses, and about 16,000,000 acres only are under cultivation. The present population of the State is about 475,000, of which not quite 100,000 reside in cities and incorporated villages, leaving about 375,000 to the 16,000,000, or an average of 42 acres of cultivated land to each inhabitant.

In the State of Louisiana the owner of 1,000 acres would not be regarded as a large landed proprietor, and the owner of 160 acres would be considered a small one.

The minimum quantity of land sold in one tract by the State of Louisiana is 40 acres.

Prior to the abolition of slavery land in the Southern States was extensively owned by large proprietors, but since the termination of the civil war a marked tendency exists to the sub-division of properties.

This change in the character of the tenure of land in the Southern portion of the Union has been partially caused by the present relations of the employers and the employed.

The owners of large plantations are unable to get them cultivated, and are consequently desirous of parting with portions of their land even at low prices.

In the State of Virginia farms are found to-day varying from 10 to 250 acres; and in South Carolina as small as from 5 to 50 acres.

The total amount of farms in the United States of America rose from 1,442,809 in 1850 to 2,030,785 in 1860.

The number of acres of land improved in farms amounted in 1850 to 112,690,821, and in 1860 to 162,649,848 acres.

The average number of acres to each farm throughout the Union decreased from 203 in 1850 to 199 in 1860.

The following is a list of the proportion in each State.

The area in square miles of each State is also shown.

The names of the States are arranged according to the order of the average number of acres of each farm in 1860.

	Average Number of Acres to each Farm.		Area of States in Square Miles.
States.	1850.	1860.	
Texas	942	591	237,321
Louisiana	372	536	46,431
South Carolina	541	488	24,500
California	4,466	466	188,982
Florida	371	444	59,268
Georgia	444	430	58,000
Mississippi	309	370	47,156
Alabama	289	346	50,722
Oregon	372	355	95,274
Virginia	340	324	61,352
North Carolina	369	316	45,000
Tennessee	261	251	45,600
Arkansas	146	245	52,198
Missouri	179	215	47,156
Kentucky	227	211	37,680
Maryland	212	190	9,356
Kansas	..	171	..
Iowa	185	165	55,045
Delaware	158	151	2,120
Minnesota	184	149	83,531
Illinois	158	146	55,405
Vermont	139	135	9,056
Indiana	136	124	33,809
New Hampshire	116	123	9,280
Wisconsin	148	114	53,924
Ohio	125	114	39,964
Michigan	129	113	56,243
Pennsylvania	117	109	46,000
New Jersey	115	108	8,320
New York	113	106	46,000
Maine	97	103	30,000
Connecticut	106	99	4,674
Rhode Island	103	96	1,306
Massachusetts	99	94	7,800
Total States	203	199	..
Territories.			
Nevada	..	617	..
New Mexico	77	278	..
Washington	..	275	..
Nebraska	..	226	..
Dakota	..	215	..
District of Columbia	103	144	..
Utah	51	25	..
Total Territories	134	197	..
Aggregate States and Territories	203	194	..

The greatest variation will be seen to have taken place in California, where farms from an average of 4,466 acres in 1850 declined to an average of 466 in 1860.

The total amount of acreage of the different farms in the United States in 1860 was as follows:—

Farms of 3 acres and under 10	52,642
10 „ 20	157,810
20 „ 50	612,245
50 „ 100	607,668
100 „ 500	486,239
500 „ 1,000	20,289
1,000 and over	5,348

Small farms are generally situated in the vicinity of cities and towns, and the culture of garden and vegetable produce is carried on with considerable profit on them.

Laws regulating Descent and Division of Property.

The landowner in the United States has entire freedom to devise his property at will. He can leave it to one or more of his children, or he may leave it to a perfect stranger.

In the event of his dying intestate, his real estate is equally divided amongst his children without distinction as to sex, subject, however, to a right of dower to his widow, should there be one.

If there are no children or lineal descendants, the property goes to other relatives of the deceased.

If the intestate leaves no kindred, his estate escheats to the State in which it is situated.

The laws of the different States of the Union regulating the descent and division of landed property on death of owner harmonize to a great extent with each other.

The statutes of the States of Rhode Island and Connecticut, as well as the code of Virginia, are annexed to this Report for reference on the subject.

A copy is likewise annexed of some interesting notes drawn up by Mr. Le Strange, Third Secretary to this Legation, on the tenure of land in the State of Massachusetts. They contain ample information with regard to the law of descent in that State.

Her Majesty's Consuls at Galveston, New York, and San Francisco, have forwarded to your Lordship's office the laws on the same subject with regard to the States of Texas, New York, and California respectively.

In the State of Pennsylvania on death of owner intestate, his real estate descends to his children equally. If he leaves a widow, she has a life estate in one-third, and at her death this interest also goes to children equally.

A custom prevails very generally in the United States of widows renouncing their right of dower in the whole estate for an equivalent proportion in fee simple.

In the State of Michigan landed property on death of owner descends subject to his debts as follows :—

1. To his children equally irrespective of sex.
2. If he have no issue then to his widow during her lifetime, then to the father, or, if he leave no issue or widow, then to the father or mother.
3. If no issue, widow, father, or mother, then to brothers and sisters in equal shares.
4. If none of them, then next of kin in equal degree,
5. If he leave no kin, then estate escheats to the State for the benefit of the Primary School Fund.

Legal Method used for Sale of Property, &c.

In no country is land, as a subject of sale, marked with less preference, or in which it so readily passes from owner to owner as in the United States.

Landed properties are sold, transferred, and exchanged by a simple deed, and there is a Registrar appointed by the County Court for each county in the Union, whose duty it is to register deeds to lands in their several counties respectively.

The record becomes notice to all parties of the title of the grantee.

As a general rule deeds of partition, such as are used at common law, are executed where all the parties are of age (or when minors through the agency of duly appointed guardians), and are agreed upon the terms of partition ; otherwise the decree of the Court having jurisdiction in such cases, passes title to the respective sharer. No title is passed by registry only. Registry is of a deed *inter partes*.

In Pennsylvania partition is had by a simple proceeding in the Orphan's Court.

The cost of a legal proceeding for partition depends upon the circumstances of each case. It could rarely be less than 50 or 60 dollars (7*l.* 10*s.* to 9*l.*), and might amount to hundreds.

The fees for registry of deeds are very small. They are regulated by the volume of the folio, and so much per folio of 100 words is charged, say from 1 to 5 dollars (3*s.* to 15*s.*).

An ordinary deed is written for 2 dollars (6*s.*), and the cost of the registry 1 dollar or 1 dollar 25 cents (3*s.* to 3*s.* 9*d.*).

Each conveyance, however, must now have a United States revenue stamp attached to it of 50 cents (1*s.* 6*d.*) for each 500 dollars (75*l.*), consideration money paid.

All stamp duties in this country are of recent origin ; they have been imposed by law in order to provide for the payment of the public debt incurred in the late civil law.

In the State of Pennsylvania the cost of selling, transferring, and exchanging land depends much on the value of the lands, and whether professional aid is invoked. For ordinary conveyances the skill of an Alderman, Justice of the Peace, or Scrivener is generally regarded as sufficient, and the cost may be stated at from 3 to 5 dollars (9*s.* to 15*s.*), to which about 2 dollars (6*s.*) may be added for recording.

When valuable lands are conveyed, legal opinions on title obtained, and careful abstracts made out, the cost may amount to 10 to 100 dollars (1*l.* 10*s.* to 15*l.*), and upwards.

The costs of partition in Court is governed by the same general considerations.

In the State of Louisiana the deed of sale, transfer, exchange, or division of land is usually executed before a notary public at the cost of a purchaser. The notary's fee is about 10 dollars (1*l.* 10*s.*). The interests of the purchaser can only be protected by recording the act of sale in the parish containing the land.

In California conveyances cost from 1*l.* to 10*l.* sterling; in the State of New York from 1*l.* to 2*l.*, and the registration of them from 10*s* to 20*s.*

The following statement of the fees charged for registering deeds in the State of Michigan illustrates the general regulations on such matters.

Fees of Registers of Deeds.

For entering and recording any deed or other instrument 11 cents (5*d.*) per folio to be paid when the same is left for record; for copies of any record or papers when required 7 cents (3*d.*) for each folio. Seal to exemplification 25 cents (9*d.*). For recording any deed or other paper in any other than the English language 20 cents (7*d.*) for each folio. For every entry of a discharge of a mortgage in the margin of the record 10 cents (3½*d.*). Searching the records or files in his office 6 cents (2½*d.*) for each year for which searches shall be made. For filing every notice of the pendency of a suit in Chancery, and entering the same 6 cents (2½*d.*). For filing every other paper and making an entry thereof when necessary 6 cents (2½*d.*). Searching for every such paper, on request, 3 cents (1¼*d.*) for each paper examined.

The following are the instructions given in the State of Michigan for the keeping of entry books of deeds and mortgages by registry.

Every register of deeds shall keep an entry book of deeds, and an entry book of mortgages, each page of which shall be divided into six columns, with titles or heads to the respective columns in the following form, to wit:—

Date of Reception.	Grantors.	Grantees.	Township where the Land lies.	To whom Delivered, after being Recorded.	Fees Received.

In the entry book of deeds the register shall enter all deeds of conveyance absolute in their terms, and not intended as mortgages or securities, and all copies left as cautions; and in the entry book of mortgages he shall enter all mortgages and other deeds intended as securities and all assignments of any such mortgages or securities; noting in such books the day, hour, and minute of the reception, and the other particulars in the appropriate columns, in the order in which such instruments are respectively received; and every such instrument shall be considered as recorded at the time so noted. Different sets of books shall be provided by the registers of deeds of the several counties for the recording of deeds and mortgages, in one of which sets all deeds required by the preceding section to be entered in the entry-book of deeds shall be recorded at full length with the certificates of acknowledgment, or proof of the execution thereof, and in the other all such instruments as are required to be entered in the entry-book of mortgages shall in like manner be recorded.

The register shall certify upon every instrument recorded by him the time when it was received, and a reference to the book and page where it is recorded.

Every register of deeds shall also keep a proper general index to each of the sets of books in which he shall enter alphabetically the name of every party, to each and every instrument recorded by him with reference to the book and page where the same is recorded.

Every conveyance of real estate within this State hereafter made, which shall not be recorded as provided in this chapter shall be void as against any subsequent purchaser in good faith, and for a valuable consideration of the same real estate or any portion thereof, whose conveyance shall be first duly recorded.

All conveyances and other instruments authorized by law to be recorded, and which shall be acknowledged or proved as provided in this chapter, and if the same shall have

been recorded, the record or a transcript of the record certified by the register in whose office the same may have been recorded, may be read in evidence in any Court within this State without further proof thereof, but the effect of such evidence may be rebutted by other competent testimony.

When a deed purports to be an absolute conveyance in terms, but is made or intended to be made defeasible by force of a deed of defeasance, or other instrument for that purpose, the original conveyance shall not be thereby defeated or affected, as against any person other than the maker of the defeasance, or his heirs, or devisees, or persons having actual notice thereof, unless the instrument of defeasance shall have been recorded in the registry of deeds in the county where the lands lie.

Four original legal documents are annexed to this report and will be of interest. No. 1, is a copy of a lease with proof of record on it. No. 2, is a sample of examination of chain of title. No. 3, is a blank form of a deed of conveyance, and No. 4, is a copy of a contract of purchase and sale of property to be consummated on the execution of a deed after full payment.

There are no special facilities for raising loans on real estate in this country.

No difficulty is experienced in obtaining money from capitalists or saving banks.

Mortgages are recorded in the same manner as deeds, and are generally made with a view to the improvement of property.

The Federal stamp duty is 1 dollar (3*s.*), for every 1,000 dollars (150*l.*)

The mode of registration consists in depositing the deed with the register or recorder, in taking his receipt for same and for his fees, which vary from 25 to 50 cents (9*d.* to 1*s.* 6*d.*) for an ordinary fools-cap page of manuscript.

The deed is endorsed at the time of presentation for record, so as to show the exact priority to which it is entitled, and when it is recorded in its turn in the proper book, is at the disposition of the grantee or can be delivered to his order.

The rate of interest is limited by law. In none of the States is it less than 6 per cent., and in some it is as high as 12 per cent.

In the eastern States, the rates of interest vary from 6 to 7 per cent. In the western States the rates of interest are much higher, varying from 7 to 12 per cent.

Before a mortgage is effected, the services of an expert in land titles are usually employed to investigate their nature; this is done at the cost of the borrower.

Crops in the United States.

The following is a list of the estimated quantities, in round numbers, of some of the agricultural products of the United States last year:—

	Bushels.
Indian corn	900,000,000
Oats	379,000,000
Wheat	220,000,000
Barley	26,000,000
Rye	23,000,000
Buckwheat	21,000,000

Indian corn, or maize, which is a plant of American origin, is thus seen to be the most important crop of the country, and that upwards of three bushels of it are raised to every one of wheat.

The proportion in 1850, was five bushels to every one of wheat, and vastly as the production of Indian corn has increased within the last twenty years, that of wheat has augmented in a still greater ratio.

Indian corn is extensively used by a large portion of the American people, with whom wheat forms a secondary consideration as an article of food.

Both corn and rye are very largely consumed in this country for distillation.

In the State of Illinois was produced in 1860, one-seventh of the whole Indian corn crop that year.

The product of the whole country amounted in 1850 to 592,071,104 bushels, and in 1860 to 838,792,740.

The amount of oats produced in the United States, likewise exceeds that of wheat.

Oats are principally grown in the States of New York, Pennsylvania, Ohio, and Illinois. The total amount produced in the whole country in 1850, 146,534,179 bushels, and in 1860, 172,643,185 bushels.

One of the most profitable crops raised in the New England States is that of hay. Indeed, it is an indispensable one in the northern and middle portions of this continent owing to the extreme rigour of the winter. The hay crop is said to equal in point of value the cotton crops of the South. It should be borne in mind, however, that hay forms

a comparatively insignificant article of traffic as it is mostly consumed by the stock of the producer. In the southern States a substitute for hay is found in the leaves of the Indian corn plant. The mildness of the winters in the South renders the cultivation of hay unnecessary.

The total production of hops in the United States rose from 3,497,029 lbs. in 1850, to nearly 11,000,000 lbs. in 1860.

The amount of flax produced was 7,709,676 lbs. in 1850, but fell off to 4,720,145 lbs. in 1860.

Of flax-seed, 562,312 bushels were produced in 1850, and 566,867 bushels in 1860.

In the middle States fruit crops are extensively raised, and are of great value.

The amount of wheat produced in this country in 1850, amounted to 100,485,944 bushels, and in 1860 to 173,104,924 bushels.

Spring wheat is principally grown in the States of Minnesota, Wisconsin, Iowa, and Illinois; and winter wheat, in the States of Missouri, Kentucky, Tennessee, Ohio, Indiana, Illinois, New York, Virginia, Pennsylvania, Georgia, Maryland, California, and Oregon.

The distinction between spring and winter wheat consists in the fact, that the former is sown in the autumn, and the latter is sown in the spring, apart from a slight variation in their respective character.

The production of barley, rye, and buck-wheat was as follows, in the undermentioned years:—

	1850.	1860.
	Bushels.	Bushels.
Barley	5,167,015	15,825,898
Rye	14,188,813	21,101,380
Buckwheat	8,956,912	17,571,818

The demand for barley is greatly on the increase for malting purposes.

California and New York are the great barley-producing States; and in Pennsylvania and the State of New York the largest amount of buckwheat is grown.

Peas and beans form important crops in this country. Upwards of 9,000,000 of bushels were produced in 1850, and 15,000,000 in 1860. An increase of 66 per cent.

The total amount of Irish potatoes raised in 1850, was 65,797,896 bushels; and in 1860, 111,148,867 bushels, being about two to three-quarters bushels to each inhabitant in 1850, and three and-a-half bushels in 1860.

The largest amount was grown in New Jersey.

Of sweet potatoes (*Batata convolvulus*), the whole amount produced in 1850, was 38,268,148 bushels; and in 1860, 42,095,026 bushels.

The great bulk of the crop is raised in the Southern States.

The total production of butter in 1850, was 313,345,306 lbs.; and in 1860, 459,681,372 lbs. An increase of about 50 per cent.

Of cheese, nearly 2,000,000 lbs. more were produced in 1850 than in 1860; the total amount being in 1850, 105,535,893 lbs.; and in 1860, 103,663,927 lbs. In the State of New York is made nearly one-fourth of all the butter, and upwards of one-third of the cheese that is produced in this country; the amount being 103,097,280 lbs. of butter, and 48,548,289 lbs. of cheese.

Ohio is the principal dairy State of the West. In it is made nearly one-third of all the butter; and over 75 per cent. of the cheese produced in the Western States. Vermont produces more cheese than all the Western States together, exclusive of Ohio.

Large quantities of the dairy products of some of the States are produced on the co-operative principle. For instance, farmers combine to employ an agent for the manufacture of butter and cheese, to whom the milk is brought daily, and an account kept of each contributor. At the close of the season a *pro rata* division is made of the proceeds.

The total amount of wool raised in the United States and territories in 1850, was 52,516,959 lbs.; and in 1860, 60,364,913 lbs.

In 1860, Vermont raised nearly half the wool produced in the New England States.

In the State of New York is produced about two-thirds of all the wool grown in the middle States.

Ohio is the largest wool-growing State in the West.

In Texas the production of wool increased from 131,917 lbs. in 1850, to 1,493,738 in 1860.

In the Pacific States the increase was the most remarkable, having risen from

77,329 lbs. in 1850, to 3,489,350 lbs. in 1860; an increase that is believed to have kept pace with that of population up to the present period.

In 1864, the total clips of the United States amounted to 80,000,000 lbs.; and in 1865, to 95,000,000 lbs., and was estimated last year at 177,000,000 lbs., or about half the amount of the wool annually produced in Great Britain.

The merino sheep—of Spanish origin—is the most universally bred in this country. The breed has been greatly improved by skilful culture. The wool is remarkable for its strength and excellent spinning qualities, and is the best adapted for those fabrics that constitute the most profitable of American manufactures, such as blankets, cassimeres, flannels, and delaines.

The folly of legislative interference in the matter of trade, has been strikingly exemplified by the present condition of the wool industry in the United States; both wool manufacturers and wool producers are suffering alike.

Prior to the introduction of the present highly protective United States' Tariff, upwards of 70,000,000 lbs. of wool used to be imported annually from Buenos Ayres, Australia, and the Cape of Good Hope. The effect of the imposition of high duties on the raw material has been to exclude these wools, and throw them on European markets.

As the price of the wools has in consequence fallen, European manufacturers are enabled to fabricate goods at so low a figure that they can be introduced into the United States in spite of the excessive duties.

Again, the high duties on foreign wools has forced the American manufacturers to work almost exclusively on their own domestic wools, and an over supply of blanket goods has been produced for which there is no market.

The price of domestic wool has consequently lowered, causing the greatest depression amongst sheep farmers throughout the country.

In the Southern States of the Union, cotton, rice, tobacco, Indian corn, and sugar-cane are the principal agricultural staples.

The amount of tobacco raised in the United States in 1850 was 199,752,653 lbs., and in 1860, 434,209,461 lbs., an increase of nearly 120 por cent. Half of the tobacco crop was grown in the States of Virginia and Kentucky.

The total amount of sugar-cane produced in the United States was in 1850, 236,814,000 lbs.; and in 1860, 230,982,000 lbs., showing a slight decrease in the last decade. The States of Louisiana and Texas produce nearly the whole crop.

Of maple sugar there was produced in 1850, 34,253,436 lbs., and in 1860, 40,120,205 lbs., of which latter amount the States of New York and Vermont produced more than one-half. Of Sorghum molasses the product was 6,749,123 gallons.

The cultivation of rice is limited to a very few States. South Carolina and Georgia produced in 1860, 171,608,180 lbs. The total product of all the States was only 187,167,032 lbs.

The cotton crop for the year ending 31st of August, 1868 was estimated at 2,600,000 bales, being an increase of 300,000 bales over that of the preceding year. Nearly one half of the entire crop was produced in the States Louisiana and Georgia.

Alabama, Mississippi, Tennessee, South Carolina, North Carolina, and Florida ranked next in order according to the quantity of cotton raised.

It may be incidentally mentioned here that of the cotton crop of 1868, 177,000 bales were exported to France, and 1,228,000 bales to England. Nearly 1,000,000 bales were retained for use in American cotton mills, of which there are 86 in the Southern, and upwards of 700 in the Northern States.

The total number of spindles in the United States is estimated at 7,000,000.

The area of the cotton States is estimated at 300,000 square miles. The labour of the coloured people at 500,000 full hands—calculating the labour of the whites at 100,000, and from $3\frac{1}{2}$ to $3\frac{3}{4}$ bales to the hand, the cotton crop would amount to 2,250,000 bales. Many of the freedmen have embraced other occupations than that of cotton culture, and found employment as menials, or on the river navigation; and many have emigrated to the Northern and Western States. Moreover, a large portion, stated by some authorities at 1,000,000 of men, were lost during the war, and the first few years that succeeded it.

The restoration of the former prosperity of the Southern States must be gradual. They are undergoing a crisis, the end of which the present generation will probably not live to see.

It is impossible to anticipate large cotton crops for some years to come.

The condition of labour is unsatisfactory, and it has become unprofitable to carry on large plantations. Indeed, most of the cotton crop at present is now furnished by farms that yield from 1 to 5 up to 50 bales.

It should be remarked, however, that a more careful system of planting, and in less

extended plantations, has already resulted in a higher average yield to the acre than formerly.

At the close of the late civil war, and in the midst of the prostration of the Southern States, Congress levied a tax upon cotton which, had it been retained, would have inflicted a very serious blow on the cultivation of the staple.

The amount realized by the Government in 1866 from this source of revenue was 18,409,654 dollars (2,761,448*l.*), and in 1867, 23,769,078 dollars (3,565,361*l.*)

The great need of the Southern States at present is capital and labour, machinery, and an improved process of culture. It is idle to suppose, however, that white labourers can at once prove as efficient hands at raising a cotton crop as were that class of negroes who from early childhood were trained to its culture. The high price obtained for cotton at the close of the war induced a considerable number of capitalists from the Northern States to embark in cotton plantations, bnt owing to the short crops of 1866 and 1867, combined with the higher rate of wages, they lost money and became discouraged.

The prospects of the South, however, have latterly brightened. Indeed they have seldom of late years been so promising as at present. The Southern planters, in 1866 and 1867 shared with their Northern brethren the general state of depression. They found themselves without money, credit. or implements, and with a disorganized and unreliable labour. The money made by the crop of 1867 went to pay for borrowed capital; but in 1868 the planters started clear and realized a good crop, so that with the excellent one of the present year, the country will be in a state of unusual prosperity.

Agriculture.

The general mode of cultivation in the United States, when judged by the standard of European countries, may be characterized as extremely defective.

Owing to the marvellous fertility, abundance, and cheapness of land, proprietors make but little effort to prolong the productiveness of their fields either by rotation of crops or by the use of fertilizers.

The excessive production of grain crops with a special view to producing not only a sufficiency for the home market but a surplus for export, is believed to have prejudicially affected the state of American agriculture.

The cultivators of wheat are accused of being less of farmers than of wheat growers, of neglecting suitable rotation of crops, and of persisting in the cultivation of their wheat fields until the soil is exhausted, or utterly consumed by weeds.

Wheat, it is said, is at the mercy of speculators, and railway companies, and commands high prices only when misfortune has visited the wheat fields of Europe.

On the other hand, it is said, in defence of the system (or want of system) of wheat culture in this country, that wheat is raised in the manner best adapted to the circumstances; that high farming involves heavy expenses; and that the fertility and cheapness of lands do not render a strict attention to careful husbandry as is essential in older countries, where the area of land is limited and labour is easily procured.

The gradual shifting westward of the centre of the wheat-growing region is a striking proof of the rapid abandonment of old soils for new ones.

Not many years ago Virginia was classed as the largest wheat-producing State of the Union, but in 1847 Ohio took the first place, with an annual production of 17,000,000 bushels. Pennsylvania, Virginia, and Tennessee ranking next in order on the list.

In 1860 the agricultural wealth of the Western States was developed, and Illinois, with a production of 24,000,000 bushels headed the list of wheat-producing States, Indiana and Wisconsin coming next.

A further change has since taken place, and California and Minnesota and Michigan stand foremost to day as the largest wheat-producing States of America.

The development of California as a wheat-producing State has been truly remarkable. Prior to the year 1854 no wheat was produced there at all; cereals were imported from other parts of the Union and from the South American Republic of Chili.

Within the last few years, however, wheat has been extensively cultivated, and California to-day not only supplies herself with bread-stuffs, but ranks, as already stated, as one of the first grain-exporting States of the Union.

The attention of some sagacious people in California has been turned to the cultivation of timber, and they are planting annually very considerable quantities of wood for future use. Indeed the ruthless destructiou of forest-trees that has been going on for many years in this country excites very general concern; and the increasing importation of timber from Canada, in spite of high duties, points to a contraction of the domestic supply of the material.

Wheat is the leading crop of the farmers in the State of Michigan, and farming operations are conducted in the following manner:—

For winter wheat the ground (sward) is ploughed in June, kept free from vegetation by the harrow or cultivator, and cross-ploughed and sown in September. Drill-sowing is generally preferred to broad-cast. Clover-seed is usually sown on the wheat early in spring. If it makes a strong growth it is sometimes grazed lightly in autumn, after the wheat is taken off. The first growth of the next season is usually cut for hay, the second for seed. The second season cut for hay or pastured. The third season wheat is sown as before, or else Indian corn, the latter receiving what manure can be had from the farm; this crop is planted from the middle to the end of May in hills or drills four feet apart, and is cultivated chiefly with horse-hoes. On new and stumpy farms those working one space between rows use horse-hoes drawn by one horse, the horse driven and the implement managed by a man walking; on older farms, free from obstructions, "riding" cultivators are used, they are managed by a man riding on them, and driving two horses attached, working two spaces at once.

On most small farms a few calves are reared annually. They are generally given a little milk to drink daily till ten or twelve weeks old, afterwards they are allowed nothing but grass till winter, when the best farmers feed them with hay (rowen is preferred) and a few oats or roots of some kind.

Sheep, merinos, or high grades of that breed have, until the late low prices of wool, been generally chosen as a surplus stock. The lambs were mostly dropped in April or early in May, and ran with the ewes till about the 1st of September.

Early cut clover or good "second crop" is considered the best winter fodder for sheep. Cattle or horses not absolutely needed in the labour of the farm and for the maintenance of the family are seldom kept.

Stock is generally pastured in Michigan on clover, there being comparatively little permanent pasture.

Of farm lands in cultivation in the State of Michigan, and well adapted to wheat, there are from one-third to one-half under the plough annually. Machinery is used extensively on farms that are clear from stumps, especially mowing, reaping, and threshing machines, the latter generally worked by horses, though portable steam-power is being introduced. Hay-tedders are used to some extent, and horse pitch-forks are common. Stumps are sometimes extracted by machinery. Various kinds of grain drills, corn and potato-planters are likewise in use.

Rice, cotton, sugar-cane, and Indian corn are successfully cultivated in the State of Louisiana. The following is an account of farm operations in that State:—

In the lowlands of the southern portion of the State excellent rice is raised with facility. The crop is usually cultivated by irrigation. It is planted about the month of April, as soon as spring has well set in. The crop is ready for the sickle in August. In places susceptible of irrigation no cultivation is necessary after planting. In upland rice one light hoeing with a little weeding by hand makes the crop. The average yield of rice is about thirty bushels to an acre. A bushel weighs about fifty-six pounds.

Cotton.—The great desideratum in the successful culture of cotton is a thorough preparation of the land by deep and close ploughing.

As soon as all danger from late frosts is over the seed is dropped upon well-prepared beds, and lightly covered with a harrow or board. The development of the cotton-ball is gradual. The first frost kills it.

A novel plan has been mooted of cutting off the cotton-balls,—just before the first frost is expected,—with the cotton in them, and sending them to the mills to be ginned there. The cotton, though it would be inferior in quality, would be a gain in quantity, and would come in for mixing with other cotton.

Cotton is planted from the 20th of March to the 10th of April, in drills from four to five feet apart.

When up, the plants are thinned with the hoe. From this time to the month of August the crop requires very constant ploughing and hoeing.

Then the picking commences, which operation is performed by the hand. It ceases about Christmas, when ploughing for the next crop begins. The average yield of cotton throughout the State of Louisiana is about 400 pounds of ginned cotton to the acre.

Sugar-cane is planted in February and March in drills about six feet apart. The whole stalk is planted. From the time of planting it is cultivated with hoe and plough till about the middle of June. Cultivation then ceases. Cutting begins in October. The cane is cut by hand, hauled to the sugar-house and ground. Grinding is generally over by the 20th of December.

The average yield is about 1,800 pounds of sugar and 80 gallons of molasses to an

acre. On a well-managed property the proceeds of the molasses generally pay the expenses of the plantation or farm. Ploughing and planting for the new crop begins as soon as the old crop is cut and ground. About three and a-half cords of wood are consumed in producing a hogshead of 1,200 lbs. net of sugar.

A cord of wood consists of 128 cubic feet of wood.

Where wood is scarce coal is used for the preparation of sugar.

Indian Corn.—The cultivation of Indian corn requires only one-fifth the amount of labour demanded by cotton. It is usually drilled about the latter part of March, some five feet apart.

It only needs about one hoeing and three good ploughings afterwards. It is the simplest crop to raise except rice. The cultivation of Indian corn ceases about the end of May. On sugar plantations the Indian corn is harvested just before grinding commences. On cotton plantations it is harvested as the chief crop may afford opportunity. Ploughing for the new crop of Indian corn is conducted concurrently with the new crops of cotton or cane.

Live stock is not generally raised on small properties. Those who raise it allow it to roam at large throughout the year.

In the western portions of the State of Louisiana live stock are raised entirely on the prairies without artificial food or protection, winter or summer, and realize to their owner about 33½ per cent. per annum on his capital.

The use of machinery is increasing in the State of Louisiana.

Cotton is ginned and baled, and sugar-cane converted into sugar by machinery. With the plough and hoe about 12 acres are cultivated by one labourer; on the few places where improved agricultural implements have been introduced the proportion has risen to 30 acres to one hand.

The rotation of crops adopted by many large farmers in the State of Virginia is as follows:—

1. Indian corn.
2. Oats.
3. Clover.
4. Wheat on clover fallow.

The general mode of cultivation is by the plough, hoe, and harrow.

The staple crop of Minnesota is spring wheat, to the culture of which nearly two-thirds of the total tilled area of the State is devoted. No regular system of rotation is followed in that State.

The aggregate value of live stock in the United States rose from 545,180,516 dollars (112,641,635*l.*) in 1850, to 1,089,329,915 dollars (225,068,164*l.*) in 1860, or over 100 per cent. The increase throughout the whole country during the decade was in the following proportion:—

	Per cent.
New England States	36
Middle States	52
Western States	143
Southern States	86
Pacific States	576

The prevalence of fatal maladies among all varieties of farm animals in the United States results in an estimated annual loss of not less than 50,000,000 dollars (7,500,000*l.*).

The yearly losses in swine are calculated at from 10,000,000 dollars to 15,000,000 dollars (1,500,000*l.* to 2,250,000*l.*) by the disease commonly known as "hog cholera," for which no remedy has been found; it should be observed, however, that veterinary skill is at a very low ebb in this country.

The use of machinery is becoming every day more common in this country in aid of agriculture, especially among the more educated and wealthy class of farmers who have greater command of capital.

The amount of capital invested in agricultural implements and machinery amounted in 1860 to 246,118,141 dollars (50,850,856*l.*) having increased in ten years to 94,530,503 dollars (19,531,096*l.*), or upwards of 63 per cent.; and it may be stated in this place that the cash value of farms under actual cultivation in the United States amounted in 1850 to 3,271,575,426 dollars (675,945,336*l.*), and had increased in 1860 to 6,655,045,007 dollars (1,372,943,183*l.*), or 103 per cent. in ten years.

The majority of American farmers are men of moderate means and unable to invest to any very considerable amount in the purchase of machinery.

It is not, therefore, unusual to meet with persons who, being the possessors of agricultural implements and machinery are engaged in a remunerative trade by making

periodical circuits of certain portions of the country and performing the work on farms by machinery that individual farmers could only otherwise get done by manual labour.

The system of employing "hired labour," except on such special occasions as harvest time, &c., is not universal in the northern portion of this Continent.

In the Southern States the system of "hired labour" is very general on large farms, and consists mainly of negroes.

Prior to the abolition of slavery the negro women worked in the fields, but they have almost entirely ceased doing so at present.

As a general rule, it may be stated that female labour is not employed in agriculture in this country except in certain sections of it that are settled on by Germans, Scandinavians, and Irish.

In the State of Virginia first-class labourers command 10 dollars (1*l.* 10*s.*) a month, or 100 dollars (15*l.*) to 120 dollars (18*l.*) per annum, according to character and capacity. As reapers and mowers they receive 1 dollar 75 cents (5*s.* 3*d.*) to 1 dollar 50 cents (4*s.* 6*d.*) a day with food. For ordinary work they receive 50 cents to 75 cents (1*s.* 6*d.* to 2*s.* 3*d.*) a day and food.

Permanent labourers almost invariably live with, or on the property of, their employers. In all cases food is given.

Females obtain from 5 dollars to 8 dollars (15*s.* to 1*l.* 4*s.*) per month.

Labourers and domestics provide their own clothing; are furnished housing and fuel by their employers, with plenty of wholesome food, which costs for a man from 20 cents to 25 cents (7*d.* to 9*d.*) a day. Some men are provident and thrifty, but very many are unfortunately the reverse.

In the State of Louisiana the daily wages of the agricultural labourer average 60 cents (1*s.* 10*d.*) for men, and 40 cents (1*s.* 2*d.*) for women, besides board and lodging.

The labourers clothe themselves and pay their own doctors' bills. The dwellings of the labourers are usually built by the proprietor in detached cottages.

The capacity of the cotton crop of the United States is measured by the amount that can be picked.

Any delay or loss of time in the picking season is disastrous.

The negroes, though good-natured as a class, are as improvident as children, and are incorrigibly lazy; and now that they are not compelled to work, will jeopardize the success of cotton operations by their indolence.

Were the much-mooted question of the introduction of Chinese as farm hands on the Southern plantations to be carried out to however limited a degree, it would have the effect of arousing the apathy of the negroes, and perhaps of stimulating them to work.

They are at present too prone to consider themselves "masters of the situation."

In 1860 a good cotton picker would gather from 12 to 15 bales of cotton of 450 lbs. each; under the present condition of labour his average work is reduced to 7 bales.

In short, the available labour power in the Southern States may be stated at about one-half what it was before the war. Moreover, the negroes now assert their freedom of action, by roving from place to place. They flock to cities and towns, thus rendering the acquisition of labour in the fields still more difficult.

There is, consequently, a heavy demand for extra labourers during the busy picking season, who can then obtain about 1 dollar 75 cents (5*s.* 3*d.*) a-day, besides board and lodging. In some parts of Louisiana as much as 3 dollars (9*s.*) a-day have been recently offered on cotton plantations for such extra labourers. Indeed, the State raises more cotton than its limited amount of labour can pick.

It might be supposed that extra compensation would act as an incentive to work, as it does elsewhere; but the negro is controlled more through local attachments and personal preferences than by pecuniary advantages.

The majority of cotton planters give their labourers, in lieu of wages, one-fourth of the gross crop with board and lodging, or one-half of the gross crop with lodging alone.

In South Carolina labourers' wages average 30 cents (11*d.*) to 50 cents (1*s.* 6*d.*), and in Texas 60 cents (1*s.* 10*d.*) a-day.

In Georgia from 10 to 12 dollars (1*l.* 10*s.* to 1*l.* 16*s.*) a-month; the wages of females from 8 to 10 dollars (1*l.* 4*s.* to 1*l.* 10*s.*), and of day labourers 50 cents (1*s.* 6*d.*) a-day.

Labourers' wages are higher in the Northern than in the Southern States of the Union.

During the busy period of the year labourers obtain 1 dollar 50 cents (4*s.* 6*d.*) a-day. In Pennsylvania male labourers generally work by the year or month, and females by the week. The former receive wages at the rate of 250 dollars (37*l.* 10*s.*) a-year with board, and the latter 1 dollar 50 cents (4*s.* 6*d.*) per week with board. Day labourers

obtain 1 dollar 50 cents (4*s.* 6*d.*) a-day with board, and 2 dollars (6*s.*) without board. In the State of New York farm labourers receive about 1 dollar (3*s.*) a-day.

In the State of Michigan labourers receeive from 25 to 30 dollars (3*l.* 15*s.* to 4*l.* 10*s.*) a-month and board, by the season of six or seven months. Those who work by the day board themselves, receiving from 1 dollar 50 cents to 1 dollar 75 cents (4*s.* 6*d.* to 5*s.* 3*d.*) a-day, and working only in good weather.

In Minnesota the wages of labourers who live with their employers vary from 18 to 25 dollars per month (2*l.* 14*s.* to 3*l.* 15*s.*); the wages of hired labourers vary from 1 dollar 25 cents to 2 dollars (3*s.* 9*d.* to 6*s.*) a-day.

In California, labourers live invariably with their employers. The men receive from 5*l.* to 6*l.* sterling a-month with board; those employed during the ploughing and harvest season get from 8*l.* to 11*l.*

In the State of Indiana farm labourers can earn from 1 dollar (3*s.*) to 2 dollars (6*s.*) a-day. In Indiana the proportion of farmers owning land to the number of farm labourers was very great in 1860. There were 158,714 of the former, and only 40,827 of the latter class.

In the State of Rhode Island labourers living with their employers gain on an average 20 dollars (3*l.*) a-month with, and 35 dollars (5*l.* 5*s.*) without board. Females receive about 8 dollars (1*l.* 4*s.*) a-month with board.

Proprietors almost invariably live on their properties.

They are as a class well housed, well clad, and enjoy substantial and abundant food.

Indeed, the general circumstances of the rural population in the United States is excellent, and the public schools of the country supply the means of education to all.

The sub-division of land into comparatively small lots must be more advantageous in the densely-populated Atlantic States than in the western portion of this Continent, where a mixed system of husbandry prevails—wheat-growing and stock-raising—and which can be carried on far more profitably on a large than on a small scale.

It may be asserted that the system of land-tenure by small proprietors is regarded in this country with great favour, and that the prevailing public opinion is that the possession of land should be within the reach of the most modest means.

A proprietor of land, however small, acquires a stake in the country, and assumes responsibilities which guarantee his discharging faithfully his duties as a citizen.

Tenancy.

As previously stated, tenancy cannot be said to exist as a system in the United States.

There are, however, exceptions to the rule.

In Massachusetts farms of various sizes are rented, varying from 30 to 500 acres. There is no general system for renting them. They are frequently let on shares.

In California lands are let to tenants amounting to seldom less than 80, and sometimes to as much as 8,000 acres. No lease of agricultural land can be let for a longer term than ten years.

By act of the Constitution of the State of New York adopted in 1846, it is declared "that all feudal tenures are abolished, except rents and services heretofore lawfully created or reserved. No lease or grant of agricultural land for a longer period than twelve years, in which shall be reserved any rent or service of any kind, shall be valid. All fines, quarter sales, or other restraints or alienation of land shall be invalid hereafter."

The Constitution adopted in Michigan in 1850 provides that—

"No lease or grant hereafter in agricultural land for a longer period than twelve years reserving any rank or service of any kind shall be valid." Lands are appropriated by the Constitution for the support of agricultural schools; but no facilities are given to individuals in the way of loans to purchase land.

The lands belonging to the State which have been ceded by the Federal Government are generally sold for a portion cash, and the rest on credit with interest.

Tenancy is created both by parol and by written agreement; but most generally by the latter.

Long terms are not usual in the leasing of farm lands.

When no written agreement has been made the law declares that the tenant shall quit by notice.

Should he refuse to do so, the matter goes before the Competent Tribunal. If a tenant pays rent half-yearly, he is entitled to three months', and if annually to six months' notice.

In the State of Pennsylvania, in cases where any lease exceeds three years, if not in writing, and signed by the parties, it has only the effect of a lease at will, terminating at the end of a year.

When there is no agreement as to the time, the presumption of law is that it is a lease for one year.

In the State of Rhode Island nearly the same rule applies. See revised Statutes annexed to this Report, cap. 205.

A written agreement of lease may be recorded in the office for the recording of leases. if the parties to it make a written acknowledgment before a Justice of the Peace that it is their act and deed, and that they desire to have it recorded as such.

This is seldom done, however, except in cases of long terms.

Tenants are not considered as having a right to stay on their holdings continuously without the landlord's consent.

If a tenant is permitted to possess the land without molestation for a month after the expiration of his lease, the law presumes a revival of the lease for one whole year, but no longer.

The lessee's qualified temporary interest may by law be assigned at will in the absence of a contrary agreement with the landlord.

The transferee takes the land under the conditions previously imposed upon the transferor.

Rent.

The amount of rent is fixed by agreement, and is payable in money or in shares of produce; say, one-fourth to one-fifth of the crop, as the parties may contract.

Formerly, tenancies were frequently fixed to be paid by kind, but they have been in most instances commuted for the money value of the articles that had to be given. As an example of such payment by kind may be cited a farm of 174 acres in the State of New York (one of the Livingstone Manor farms) which was leased for twenty bushels of wheat and six hens annually, and that has since been commuted into a 50 dollars (7*l.* 10*s.*) a-year rental.

In the Southern States it has become usual to let out farms to tenants on condition of receiving as rent some agricultural produce.

A prevalent mode of letting land in Virginia is as follows:—

A landowner, say, lets his farm,—may be of 700 acres,— to a tenant for one year, and receives as rent two-fifths of the agricultural produce, such as grain, hay, &c., and one-half of the fruit, poultry, and produce of live stock; the tenant takes the remainder, works the farm, and finds his own agricultural implements.

In cases where the landowner *only* gives the land, the labourer becomes practically a tenant, paying one-quarter of the cotton and one-third of the corn as rent, and keeping fences, &c., in repair, and finding his own teams, tools, seeds, &c. If the landowner furnishes the latter articles the crops are divided.

In the wages system the monthly pay varies from 5 to 15 dollars (15*s.* to 2*l.* 5*s.*), sometimes more according to the value of the labourer, and whether rations are given or not. Payments are, in most cases, made yearly—pay day coming just before Christmas.

Occasionally the planters give the hands half of each week and all the land they can cultivate to themselves, paying wages for the remaining three days.

As a general rule, in this country, proprietors pay the taxes. The contract is usually a written one. If both parties are agreeable, the contract is continued year by year; if not, three to six months' notice must be given, which condition is inserted in the contract.

The amount of rent is usually regulated by competition.

Money rents are generally payable quarterly or half-yearly.

There is no legal restriction upon the amount of rent which a landlord may demand. The amount is fixed by agreement. The terms of a contract, when once made, cannot be arbitrarily altered; and if the tenant remains in the land after the expiration of his lease, he can only be held for the same amount of rent named in the lease.

The legal means for the recovery of rent and other claims in most of the States is by process of the common law remedy of distress by the landlord, of replevin by the tenant. In some of the States the landlord is driven to a summary proceeding to establish the amount due, and this amount is a preferred lien on the tenant's property on the premises, or wherever the same may be found, if removed after proceedings commenced.

In the State of Maryland, property can be pursued for thirty days, and the rent recovered by its sale, even if it has passed into other occupancy.

Evictions.

Evictions of tenants holding over, or where leases have been forfeited by their own terms and conditions for non-payment of rent or other cause stipulated between the parties, are by a summary process before a Justice of the Peace, usually with right of trial by jury if the matter in controversy be of the value of 20 dollars (3*l.*). These proceedings are ordinarily terminable in ten days; in some of the States in less time.

The case takes the ordinary course of trial at common law.

No special Statutes exist according time to tenants to redeem, but the equitable jurisdiction to relieve against forfeitures obtains in most, if not all, of the States upon the same principle as prevails in England.

Evictions are of very rare occurrence in the United States, at least among farmers; among mechanics and persons living in rented dwellings they sometimes take place. Evictions are generally caused from default of rent.

Repairs.

Permanent repairs are usually made by the landlord. The law recognizes no right in the tenant to any improvement made except under covenant in his lease.

Improvements.

Improvements made upon buildings become part of the real estate and the property of the landlord. Improvements and fixtures made by the tenant, for the purpose of trade and commerce, are removable by him. Otherwise the subject is regulated by the convention of the parties, and not by legislation.

It is frequently stipulated in the agreement for the landlord to take the improvements made on a leased property, or the tenant to buy the ground, each at an appraised value, at some specified time.

Tenants have no means of raising loans for the improvement of the farms leased by them: from the Government, or banks chartered by the Government or by special law

If a tenant raises money for the improvement of the farm he occupies, he must raise it on his personal credit, or that of his friends, from neighbours or banks.

Loans would in this case require the same conditions as in other transactions, and be contracted at the rate of interest obtaining in the particular State where contracted.

Tenures resembling the copyholds of England are unknown in this country. But two kinds of tenure exist—that of absolute ownership, and that of lessee.

The relations between landlords and tenants are, as a rule, friendly and beneficial, resting upon law, and not upon custom. No legislative interference is required.

The mode of cultivation by tenants is the ordinary and general mode of cultivation of farm land.

Where there is sufficient fertility to make grain or grass growing profitable, the cultivation of the farm, employment of labour, mode and standard of living, solvency, independence, and general circumstances and character of the tenants, are about equal to that of the small proprietors.

There is in the farming districts scarcely any perceptible difference in any respect between those who live on rented farms and those who farm their own lands, except perhaps in the superior credit that a landowner commands in money transactions arising from the ownership of real estate. Tenants may, to some extent, live a little more generously and freer from care than many of those who own land.

Many of the landowners in this country are persons who, by their own industry and rigid economy, have accumulated some funds, with which they have bought, and but partially paid for, the land they own. In all such cases, it requires persistent effort and close economy for years to clear off the remaining debt.

Tenants receive no assistance by law, public credit, or otherwise to become owners of their holdings or other farms.

A tenant is entirely dependent on his own exertions and personal credit in the matter of buying property.

Endeavours to obtain real estate are very frequent, and although the respective Governments of the different States of the Union may desire to encourage those endeavours, legislation for the purpose has never been made.

A very large portion of the farm lands in this country are owned by men who have in their early life been tenants; and among the industrious and frugal of the tenants the great object of their exertions is to become landlords.

Whilst practically any one man may acquire as much land as he can pay for, yet the whole tendency and effect of the laws of this country are conducive to dispersion and multitudinous ownership of land.

The several States, and the Government of the United States grant their lands in limited quantities; and under the laws of descent lands descend to the children, irrespective of sex, in equal shares; and the laws of partition provide for a division of the lands into as many parts as there are interests where it can be done without prejudice.

In many European countries the sale and transfer of land are so hampered by legal complications, and entail such heavy expenses as frequently to discourage such operations. In the United States, on the contrary, the sale and transfer of land are conducted with about the same ease as would be the sale of a watch.

An instance could be cited of an estate (in one of the Western States) that consisted of real property worth more than 1,000,000 dollars (206,612*l.*), and personal property valued at 400,000 dollars (82,644*l.*), which was left by the testator to his children; his son and son-in-law were the executors. Within three months after his death, the property, real and personal, was divided among his heirs, each entering into full possession of his share, all the necessary legal formalities were fulfilled, and the whole expense of Probate and other fees, cost of registering and engrossing the several deeds of partition, and all other papers, and every expense did not exceed the sum of 150 dollars (22*l.* 10*s.*). Of course Probate and succession duties are not included. They are new in this country, and rank as unfortunate legacies of the late war; nor can their continuance be looked upon as permanent in a country where the policy obtains of paying off as speedily as possible the national debt.

In cases where estates are saddled with debt more time is necessarily required for their administration.

Sometimes heirs are dissatisfied, and choose to apply to the laws, which frequently causes delay, and no little amount of expense.

Very large quantities of land are seldom held in this country, undivided, by one family for more than one or two generations.

A noted instance may be cited in the case of the Livingstone family, whose noble domain in the State of New York, embracing upwards of 160,000 acres, and which was granted to them, under patent of the Crown, by the Colonial Governor, was divided in 1790 by the third and last landlord of the manor, he being imbued by the progress of advancing ideas, and the changing character of American institutions.

It is worthy of remark that in this country the same reluctance is not felt, as in Europe, to parting with family lands.

In closing this report let one or two instances, out of very many, be given of the facility with which emigrants acquire real estate in this country.

A. B. was a young Irishman who came to America in 1848. He was first employed in a foundry at 75 cents gold (3*s.* 1*d.*) a-day, which were then the wages of a day labourer. As he became a more skilled workman his pay was increased. In 1859 he owned, free from debt, a house and lot worth 3,000 dollars (620*l.*), and was an Alderman of a rising city, and clerk of the county at a salary averaging, with fees, from 1,500 to 2,500 dollars (310*l.* to 516*l.*) a-year.

C. D. was a porter and day labourer, rarely earning more than 75 cents (3*s.* 1*d.*) a-day. In 1844 he bought in the State of Michigan a lot of land which was then worth 300 dollars gold (62*l.*), but is now worth 1,200 dollars currency (180*l.*), for which he agreed to pay 10 per cent. and 30 dollars gold (6*l.* 4*s.*) cash, and the remainder within ten years, with annual interest at 7 per cent. He paid for the lot out of his daily earnings within five years, and since that time has purchased other lands. He now owns about 7,000 dollars (1,050*l.*) worth of landed property. This man, besides accumulating this estate, has brought to this country three brothers from Ireland.

In the year 1862 a gentleman having became possessed of 7,000 acres of wild land in the State of New York, parcelled them out in lots of from 20 to 60 acres each.

The larger proportion of them he disposed of to Irishmen (who had little or no money) on contracts for six years, with one-sixth payable of the cost of the land at the end of each year.

These Irishmen constructed for themselves huts of log, cut on the spot, made a clearing for a garden, sold the wood at the nearest village, and by hard work, and stimulated by the certainty of owning a home at the end of six years managed to meet their payments. Forty acres of land at 10 dollars (1*l.* 10*s.*), the acre amounts to 400 dollars (60*l.*), or 66 dollars 66 cents (10*l.*) a year.

The first year which was the hardest, and the first winter which was the hardest o

all, an agent on the property was instructed to lend a helping hand and supply provisions whenever there was actual necessity.

At the expiration of the six years, out of several hundred contracts, there have been only two failures.

The men, from wild turbulent fellows, have become quiet, sober and law-abiding citizens.

By the time the contracts are due and paid and the land deeded in fee, most of the men have their land clear, and in good order with decent log houses.

The same landowner has frequently sold to Irishmen lots of land for from 300 to 400 dollars (45*l.* to 60*l.*), three-fourths on mortgage.

The men have managed in a year or two to get up a "shanty," work hard, and in a few years, by saving, have it clear; and in ten years from the start own a nice little property and have money in the savings' bank.

Many indeed are the examples that could be cited of Irishmen who from small beginnings have become land holders in this country.

All the instances present the same features.

May not some of the discontent that has been ripening in the minds of Irishmen, (since their great Exodus in 1848,) towards British Institutions and the system of land tenure in Ireland be partially traced to the easy acquisition of real estate in the United States?

How many thousand of penniless emigrants have landed on the shores of America, and at the end of a few years found themselves in possession of fertile acres that they could call their own?

How many invidious comparisons must have been drawn; how many earnest appeals been made, by a generous but unreasoning people, to their brethren at home to hasten to a land where their social position could be so speedily transformed?

(Signed) FRANCIS CLARE FORD.

British Legation, Washington, November 25, 1869.

P.S.—Throughout this report the gold dollar has been reckoned at 4 dollars 84 cents to the £ sterling.

The currency dollar at the rate of 3*s.* to the dollar.

F. C. F.

Annexes.

Copy of a Lease, with a Proof of Record in it.

THIS Indenture, made the first day of May, in the year of our Lord one thousand eight hundred and sixty-three, between John Tyson of the County of Bergen in the State of New Jersey, and Susan A. his wife, of the first part; and Carroll Livingston of the county of Richmond in the State of New York, of the second part: witnesseth, that the said parties of the first part, for and in consideration of the rents, covenants, and agreements hereinafter mentioned, reserved and contained on the part and behalf of the said party of the second part, his executors, administrators, and assigns, to be paid, kept and performed, have granted, demised, and to farm letten, and by these presents do grant, demise, and to farm let, unto the said party of the second part, his executors, administrators, and assigns, all that certain lot piece or parcel of land with the dwelling-house and other improvements thereon erected, situate, lying and being in the town of Castleton, county of Richmond and State of New York, bounded and described as follows, to wit: beginning on the northerly side of Richmond Terrace at the easterly line of land of the Sailors Snug Harbour, and running thence eastwardly along the northerly side of said Richmond Terrace one hundred and twenty feet to land now or late of Thomas E. Davis, thence northwardly along his land one hundred and fifty feet more or less to low water mark on the shore of Kill Van Kull, thence westwardly along low water mark one hundred and twenty feet more or less to land of the Sailors Snug Harbour, and thence southwardly along the said land of the Sailors Snug Harbour one hundred and fifty feet more or less to the place of beginning. To have and to hold the said above-mentioned and described premises, with the appurtenances, unto the said party of the second part, his executors, administrators and assigns, from the first day of May, one thousand eight hundred and sixty-three, for and during, and until the full end and term of the natural lives of the said parties of the first part or the survivor of them thence next ensuing, and fully to be complete and ended, yielding and paying, therefore, unto the said parties

of the first part, their heirs or assigns, yearly, and every year during the said term hereby granted, the yearly rent or sum of two hundred dollars lawful money of the United States of America, in equal quarter yearly payments, to wit: on the first day of May, August, November, and February, in each and every of the said years; provided always, nevertheless, that if the yearly rent above reserved, or any part thereof, shall be behind or unpaid on any day of payment whereon the same ought to be paid as aforesaid; or if default shall be made in any of the covenants herein contained, on the part and behalf of the said party of the second part his executors, administrators, and assigns, to be paid, kept and performed, then and from thenceforth it shall and may be lawful for the said parties of the first part, their heirs or assigns, into and upon the said demised premises, and every part thereof, wholly to re-enter and remove all persons therefrom, and the same to have again, re-possess and enjoy, as in their first and former estate, anything hereinbefore contained to the contrary thereof in anywise notwithstanding. And the said party of the second part, for himself, his heirs, executors and administrators, doth hereby covenant and agree, to and with the said parties of the first part, their heirs and assigns, by these presents, that the said party of the second part, his executors, administrators or assigns, shall and will yearly and every year during the said term hereby granted, well and truly pay, or cause to be paid, unto the said parties of the first part, their heirs or assigns, the said yearly rent above reserved, on the days and in the manner limited and prescribed as aforesaid, for the payment thereof, without any deduction, fraud or delay, according to the true intent and meaning of these presents. And the said party of the second part doth further covenant, promise, and agree to and with the said parties of the first part, that he will keep the premises with the buildings, fences, and other improvements thereon erected in good tenantable order and repair at his own expense during said term. That he will keep the buildings thereon erected insured in some good and responsible Insurance Company against loss or damage by fire to the amount of one thousand dollars in the names of the said parties of the first part, and that he will pay the premiums thereon during the said term. That he will also pay all taxes and assessments which shall or may be assessed or imposed upon said premises during said term. And that on the last day of the said term, or other sooner determination of the estate hereby granted the said party of the second part, his executors, administrators, or assigns, shall and will peaceably and quietly leave, surrender and yield up unto the said parties of the first part, their heirs or assigns, all and singular the said demised premises. And that said parties of the first part, for themselves, their heirs, executors and administrators, do covenant and agree to and with the said party of the second part, his executors, administrators and assigns, by these presents, that the said party of the second part, his executors, administrators or assigns, paying the said yearly rent above reserved, and performing the covenants and agreements aforesaid on his and their part, the said party of the second part, his executors, administrators and assigns, shall and may at all times during the said term hereby granted, peaceably and quietly have, hold, and enjoy the said demised premises, without any manner of let, suit, trouble, or hindrance of or from the said parties of the first part, their heirs or assigns, or any other person or persons whomsoever.

In witness whereof, the parties to these presents have hereunto set their hands and seals the day and year first above written.

(L.S.) JOHN TYSON.
(L.S.) SUSAN A. TYSON.
(L.S.) CARROLL LIVINGSTON.

Sealed and delivered in the presence of the words "or the survivor of them" on first page interlined before execution.

(Signed) FREDERIC BULL.

City and county of New York, on the twenty-fifth day of June, one thousand eight hundred and sixty-three, before me, personally appeared, John Tyson, and Susan A., his wife, and Carroll Livingston, to me known to be the persons described in, and who executed the foregoing lease, and severally acknowledged that they executed the same; and the said Susan A., on a private examination by me, apart from her husband, acknowledged that she executed the said lease freely, and without any force or compulsion of her said husband.

(Signed) FREDERIC BULL, *Notary Public.*

State of New York,
City and County of New York, } ss.

I, Henry W. Genet, clerk of the city and county of New York, and also clerk of the Supreme Court for the said city and county, the same being a Court of Record, do hereby certify, that Frederic Bull, whose name is subscribed to the certificate of the proof or acknowledgment of the annexed instrument, and thereon written, was at the time of taking such proof or acknowledgment, a Notary Public in and for the city and county of New York, dwelling in the said city, commissioned and sworn, and duly authorized to take the same. And further, that I am well acquainted with the hand-writing of such Notary Public, and verily believe that the signature to the said certificate of proof or acknowledgment is genuine. I further certify that said instrument is executed and acknowledged, according to the Law of the State of New York.

In testimony whereof, I have hereunto set my hand, and affixed the seal of the said court and county, the 26th day of June, 1863.

(L.S.) H. W. GENET, *Clerk.*

SAMPLE of Examination of Chain of Title.

1854.	Eugene Cruger, and James M. Pendleton, to Theophilus A. Gill.	Deed dated March 10, 1854. Cons., 1 dollar. Recd., Lib. 649, p. 546, 13th March, 1854.
	Conveys house and lot in First Ward of the City of New York, bounded southerly in front by Cedar Street.	
1855.	Eugene Cruger, and Jane Mary his wife, to John C. Cruger.	Quit-claim deed, dated 2nd April, 1855. Cons., 1 dollar. Recd., Lib. 692, p. 146, 10th July, 1855.
	Quit-claims house and lot in Second Ward of the City of New York, on the south-easterly side of William Street, known at that time by the No. 162, William Street. Also, warehouse and lot in First Ward of the City of New York, on the south-easterly side of Front Street, known at that time by the No. 103, Front Street.	
1856.	Eugene Cruger, and Jane Mary his wife, to John C. Cruger.	Quit-claim deed dated 12th January, 1856. Cons., 1 dollar. Recd., Lib. 695, p. 635, 23rd February, 1856.
	Quit-claims warehouse and lot in the First Ward of the City of New York, on the north-easterly side of Jones Lane, known at that time by the No. 2, Jones Lane.	
1859.	Alexander Hamilton, Jun., Eugene Cruger, and Jane Mary his wife. William Jauncey, and James Jauncey.	Deed of Agreement, dated 25th September, 1859. Recd., Lib. 795, p. 274, Nov. 4, 1859.
	Agreement relative to Jauncey Court.	
1855.	John C. Cruger, and Eugene Cruger, to Augustus James.	Deed of confirmation, dated June 1855. Cons., 1 dollar. Rec., Lib. 487 of Mortgs., p. 581, 13th July, 1855.
	Confirms mortgage executed by John C. Cruger, and Eugene Cruger, to James M. Pendleton, for 18,500 dollars, on house and lot No. 72, Broadway, and since cancelled.	
1857.	John C. Cruger, and Eugene Cruger, and Jane Mary his wife, to Edward Minturn.	Mortg. dated 1st January, 1857. Recd., Lib. 529, p. 390, 19th March, 1857.
	Mortgages store and lot of ground then known by the No. 164, South Street, in the City of New York, and distinguished on a map of property in the Fourth Ward, belonging to the estate of Joshua Jones, deceased, on file in Register's Office by the letter Q, to secure payment of the sum of 7,000 dollars and interest, on 1st January, 1860.	

1857. John C. Cruger, Eugene Cruger and wife, to Edward Minturn. — Mortgage dated 1st March, 1857. Recd., Lib. 534, p, 191, 21st April, 1857.

Mortgages store and lot of ground in Third Ward of the City of New York, on the north-easterly side of Vesey Street, then known by the No. 98, Vesey Street, to secure the payment of 7,000 dollars and interest, on 1st March, 1860.
This mortgage has since been assigned to W. H. Aspinwall, trustee, &c.

1857. John C. Cruger, Eugene Cruger, and wife, to Edward Minturn. — Mortgage dated 1st January, 1857. Recd., Lib. 536, p. 341, 27th May, 1857.

Mortgages house and lot in the Fourth Ward of the City of New York, on the northerly side of Water Street, and then known by the No. 282, Water Street, for 7,000 dollars and interest, payable on 1st January, 1860.
This mortgage has since been assigned to the United States Life Insurance Company, in the City of New York.

1857. John C. Cruger, Eugene Cruger, and wife, to Edward Minturn. — Mortgage dated 1st December, 1857. Recd., Lib. 553, p. 387, 6th January, 1858.

Mortgages store and lot in Third Ward of the City of New York, on the north-easterly side of Vesey Street, then known by the No. 96. Vesey Street, to secure the payment of 9,000 dollars and interest, on 1st December, 1860.

1858. John C. Cruger, Eugene Cruger, and wife, to Edouard Bossange. — Mortgage dated 20th October, 1858. Recd., Lib. 578, p. 112, 11th November, 1858.

Mortgages store and lot in First Ward of the City of New York, on south-easterly side of Broadway, then known as No. 72, Broadway, to secure payment of 28,571 dollars 50 cents, and interest, on 5th November, 1863.

The Register of the City and County of New York will please search in his office for mortgages, conveyances, and all other incumbrances affecting property in the city and county of New York, against Eugene Cruger, from 1st January, 1852, to date of return, and certify result in writing, for W. L. Livingston, 41, Wall Street.

See Conveyances, lib. 649, p. 546; lib. 692, p. 146; lib. 695, p. 635; lib. 795, p. 274.

See Mortgages, lib. 487, p. 581; lib. 529, p. 390; lib. 534, p. 191; lib. 536, p. 341; lib. 553, p. 387; lib. 578, p. 162.

Nothing else found.
(1 dollar 45 cents.) *January* 2, 1864, 9 A.M.
(Signed) L. L. WATTS, *Deputy Registrar.*

Nothing else found.
(25 cents.) *January* 16, 1864, 9 A.M.
(Signed) L. H. WATTS, *Deputy Registrar.*

Blank Form of Deed of Conveyance.

Sale No. Deed No.

KNOW all men by these presents, that Henry Ledyard, and Matilda C., his wife, by Henry Ledyard, her attorney, of Newport, in the State of Rhode Island for and in consideration of the sum of dollars, to them paid before the delivery hereof, and the receipt whereof is hereby acknowledged, do hereby grant and sell unto the following parcel of land, situated in the city of Detroit, and known as lot numbered in block numbered in the western addition to the city of Detroit, of part of the Cass Farm, according to the plan thereof, as recorded in the Registry of Deeds for the City of Detroit, in book , page , be the contents of the said lot more or less: To have and to hold the said parcel of land, to the said and to heirs and assigns, forever.

And the said Henry Ledyard, and Matilda C., his wife, for themselves and their heirs, do hereby covenant with the said heirs and assigns, that they will warrant and defend the said premises against the lawful claim or claims of any person whomsoever; excepting, however, from this warranty, any claim which may exist against said premises arising out of unpaid taxes and assessments laid on said premises since the day of 186 , the date of the contract of sale of said premises to

In witness whereof, they, the said Henry Ledyard, and Matilda C., his wife, by Henry Ledyard, her attorney, have hereunto set their hands and seals, at Newport aforesaid, the day of in the year of our Lord one thousand eight hundred and sixty-

Signed, sealed, and delivered, in presence of

State of }
County of }

Before me, a Commissioner in and for the State of Michigan, appointed by Governor of the State of Michigan, to take acknowledgment and proof of deeds and instruments under seal, to be used and recorded in said State of Michigan, personally appeared Henry Ledyard and Matilda C., his wife, the persons who executed the within instrument, and acknowledged the same to be their free act and deed.

Given under my hand and seal at in the State of this day of A.D. 186 .

Commissioner for the State of Michigan, in and for the State of

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Copy of a Contract of Purchase and Sale of Property to be Consummated on the Execution of a Deed after Full Payment.

Sale No......

ontract No. .....

.....

.....

.....

.....

Date.....

Lot.....

Block .....

Amount.....

PAYMENTS.

.....

.....

.....

.....

.....

.....

Sale No.... .....

Contract No.....

THIS CONTRACT, Made the.....day of.....in the year of our Lord one thousand eight hundred and .....
.....between Matilda C. Ledyard, by Henry Ledyard, her Attorney,.....party of the first part, and.....
.....of Detroit, in the State of Michigan, party of the second part, W.tnesseth. as follows:

First.—The said party of the first part, in consideration of the sum of.....to be paid to the said party of the first part, and of the covenants to be performed by the said party of the second part, as hereinafter expressed, hereby agrees to sell to the said party of the second part, all th certain lot of land numbered.... in Block numbered.....in the Western Addition to the City of Detroit of part of Cass Farm, according to the plan thereof, as recorded in the Registry of Deeds for the City of Detroit, in Book.....page.....

Second.—The said party of the second part, in consideration of the covenants herein contained on behalf of the said party of the first part, agree to purchase of the said party of the first part, the above described Land, and to pay for the same to the said party of the first part, or.....legal representatives, the sum of.....in manner following, that is to say:

with interest, to be computed from the date of these presents, at and after the rate of seven per centum per annum, on the whole sum that shall be from time to time unpaid, and to be paid semi-annually; both principal and interest to be paid to the agent of the party of the first part, at his office. And also, that.....will enter said lot for taxation in.....own name, and so long as any part of the principal or interest of the said consideration money remains unpaid, well and faithfully, in due season, in each and every year, pay, or cause to be paid, all taxes and assessments, ordinary and extraordinary, that may, for any purpose whatever, be levied or assessed on said premises, or on this contract; and, also, that .....will erect and fully complete on ..... said lot, within.....from date,.....good and well built.....house , worth at least .....dollars, to be determined, if necessary, by two persons, one to be chosen by each of the parties, who may associate an umpire, if they cannot agree, and to insure the same to the amount of .....dollars, in some insurance company, to be approved by said party of the first part, and to assign and deliver the policy to said party of the first part, to hold as collateral security until he shall have paid one-half the purchase money and interest due on said lot.

And that the buildings and improvements placed and made upon said lot by or under said.....representatives or assigns, shall remain thereon as a further and additional security for the execution of the covenants herein contained on the part of the said .....unless said party of the first part, or some other person authorized thereto, shall consent, in writing, to the removal of such buildings and improvements, or any part thereof.

Third.—The said party of the first part further covenants and agrees with the said party of the second part, that upon the faithful performance by the said party of the second part, of the covenants and agreements by ..... to be performed, and upon the payment of the several sums of money above mentioned, and the interest thereon, at the times, and in the manner, and at the place above mentioned, to the said party of the first part, that thereupon the said party of the first part will well and faithfully execute and deliver a good and sufficient deed or deeds, and thereby convey to the said party of the second part .....heirs and assigns, a good and unincumbered title in fee simple, to the above described premises, with their appurtenances.

Fourth.—It is mutually Covenanted and Agreed, By and between the said parties hereto, that the said party of the second part may immediately enter on the said land, and remain thereon as long as .....shall fulfil and perform all the agreements hereinbefore mentioned, on..... part, to be fulfilled and performed and no longer, except as hereinafter provided. And in case of default shall be made in any of the payments of principal or interest, or in the performance of any covenant herein assumed by the party of the second part, at the time, or any of the times above specified for the payment and performance thereof, and for sixty days thereafter, this agreement, and all the preceding provisions hereof, shall be null and void, and no longer binding, at the option of the party of the first part, her representatives or assigns; and all the payments which shall then have been made hereon, or in pursuance hereof, shall be absolutely and forever forfeited to the said party of the first part. And it shall be lawful for the said party of the first part, at any time thereafter, to sell and convey the said land, or any part thereof, to any other person whomsoever; and the said party of the first part shall not be liable in any way nor to any person, to refund any part of the money which she may have received on this contract, nor for any damages on account of such sale; or at the election of the said party of the first part, her representatives and assigns, the covenants and liability of the party of the second part shall continue and remain obligatory upon the said party of the second part, and may be enforced, and the said consideration money, and every part thereof, with the annual interest, as above specified, be collected by proper proceedings in law or equity, from the said party of the second part, ... heirs, executors, administrators, or assigns. And it is hereby expressly understood and declared, that time is and shall be deemed and taken as of the very essence of this Contract, and that unless the same shall, in all respects, be complied with by the said party of the second part, at the respective times and in the manner above limited and declared, that the said party of the second part shall lose and be debarred from all rights, remedies, or actions, either in law or equity, upon or under this contract.

And it is Further mutually Covenanted and Agreed, By and between the parties hereto, that in case of default in the covenants stipulated to be performed by the said party of the second part, or any part thereof, and the election of the party of the first part, her representatives or assigns, to consider the foregoing contract of sale at an end, and prior payments forfeited, a declaration of such election may be made by a brief notice thereof, addressed to the party of the second part, and deposited in the Post Office of the City of Detroit, Michigan, and this shall constitute a good and sufficient notice and service thereof. The said party of the second part, ... heirs, representatives, or assigns, who may have possession, or the right of possession of said premises at the time of such default and notice, or at any time thereafter, shall be considered, and are hereby agreed and declared to be, in law and equity, the tenant and tenants of the said party of the first part, her representatives and assigns, on a rent equal to an interest of .... per cent. per annum on the whole amount of the purchase money above specified, payable quarter-yearly from the day of such default in payment of principal and interest. And after such default in payment, and election to consider the above contract of sale as void, the said party of the first part, her representatives and assigns shall and may have and exercise all the powers, rights, and remedies, provided by law or equity, to collect such rent, or to remove such tenant or tenants, the same as if the relation of the landlord and tenant, hereby declared, were created by an original absolute lease, for that sole purpose, on a specified rent, payable quarterly, on a tenure at will. And that in such case, the said tenant or tenants shall, and will pay, or cause to be paid, all taxes and assessments, ordinary and extraordinary, which may be laid or assessed on said premises, or any part thereof, during the continuance of such tenancy; and will not commit or suffer any waste or damage to said premises, or the appurtenances, but will keep and deliver up, on the termination of such tenancy, the said premises and appurtenances, in as good order and repair (ordinary wear and decay, and unavoidable injury by the elements excepted), as they were at the commencement of such tenancy.

And t is Further Agreed, That no sale, transfer, assignment, or pledge of this Contract shall be made, nor if made shall it be in any manner binding upon the party of the first part, unless she first consent, in writing hereon, to such sale, transfer, assignment, or pledge.

In Witness Whereof, The parties to these presents have hereunto set their hands and seals the day and year first above written.

Sealed and Delivered in Presence of }

.....(L. S.)
.....(L. S.)
.....(L. S.)
.....(L. S.)
.....(L. S.)

Inclosure 2 in No. 20.

Memorandum respecting Tenure and Occupation of Land in Massachusetts.

THE State of Massachusetts contains 7,800 square miles, or 4,992,000 acres. The population, according to the last State census, which was taken in 1865, was 1,267,031: the total number of males above 15 years of age was 362,373; of these 52,637 are classed as labourers, and 59,116 as agriculturists. The last United States' census shows that there were in 1860 in this State 45,204 farmers to 17,430 farm-labourers; in the whole of the United States and their territories there were at the same date 2,423,893 farmers to 795,679 farm-labourers. These last figures show clearly that the system of land occupation in this country is by small proprietors; tenants under proprietors are rare, and sub-tenants under intermediate tenants are almost wholly unknown.

Census of Massachusetts, 1865. Page 141. United States' Census, 1860.

In population to the square mile, Massachusetts has always been first among the States of the Union; the number in 1860 being 157·83. From 1850-60, a normal period, the rate of increase was 23·79 per cent. During the 10 years from 1855 to 1865 it amounted only to 11·89 per cent.; and during the period from 1860 to 1865, which included the civil war, the rate fell off to 2·92 per cent. It is chiefly among the agricultural towns that this decrease is taking place, whereas the increase has been confined almost entirely to the manufacturing towns, or to those in the vicinity of Boston. There is a tendency among the smaller towns to lose population, which at the same time seems to be attracted towards the larger cities by the manufactories which are daily attaining an increased development in these centres of population. As a rule, the soil of Massachusetts is poor, and land in the vicinity of cities commands a price for residential purposes far above its agricultural value; hence agricultural industry naturally seeks in more favoured parts of the Union a field not already preoccupied, and above all more productive. The occurrence of rent will always be rare so long as such vast quantities of land remain in the West to be had almost for the asking.

Census of Massachusetts, 1865. Page 272.

In 1860 the acreage of land in farms and the cash value stood as follows:—

	Dollars.
Improved	2,155,512
Unimproved	1,183,212
Cash Value	123,255,948

United States' Census, 1860, page xxxi, Introduction.

Massachusetts, which in 1850 was the twenty-eighth wheat-producing State, had declined in 1860 to the thirtieth place, giving 119,783 bushels against 31,211 in 1850,—an increase of 88,572. In the New England States the production of wheat in 1850 was 13 quarts to each inhabitant, and in 1860 only 11 quarts. New England is almost entirely dependent on the Western States for breadstuffs; their production, owing to the poorness of the soil, will not procure a price equal to the labour.

No regular rotation of crops can be said to exist in this State; it can hardly indeed be regarded as an agricultural State at all; the sub-divisions of land being very small, and, as a rule, cultivated by the proprietors themselves, are treated as market-gardens rather than as farms in the English sense of the word. In the more fertile portions of the State, and particularly in the Connecticut Valley, a large quantity of tobacco is grown, which, owing to the skill and care employed in its cultivation, is of a very good quality; it is mostly exported to Cuba, where it is used in making the interior of the Havana cigars. In 1865 the amount of tobacco grown was 9,361,641 pounds.

"Industry of Massachusetts," page 760.

The subjoined Table, taken from the United States' census of 1860, shows the acreage of farms in Massachusetts in that year:—

Acres.	Number of Farms.
3 and under 10	2,032
10 „ 20	4.196
20 „ 50	11.765
50 „ 100	10,831
100 „ 500	6,370
500 „ 1,000	29
1,000 and over	0

United States' Census, 1860. Volume on Agriculture, page 202.

The average number of acres to each farm was 94.

Law of Descent.

When a person dies seised of real property, not having lawfully devised the same, it descends, subject to his debts and to the exceptions as regards homesteads subsequently mentioned, in the following manner:—

General Statutes of Massachusetts, 1860, chap. 91.

1. In equal shares to his children and the issue of any deceased child by right of representation.

2. If he leaves no issue, then to his father.

3. If he leaves no issue nor father, then in equal shares to his mother, brothers, and sisters, and to the children of any deceased brother or sister by right of representation.

4. If he leaves no issue, nor father, and no brother nor sister living at his death, then to his mother, to the exclusion of the issue, if any, of deceased brothers or sisters.

5, 6, 7. Provisions for shares of remoter degrees of kindred.

8. If intestate, leave a widow and no kindred, his estate shall descend to his widow; and if the intestate is a married woman, and leaves no kindred, her estate shall descend to her husband.

9. If the intestate leaves no kindred, his or her estate shall escheat to the commonwealth.

Illegitimate children inherit from the mother. If an illegitimate child dies intestate without lawful issue his estate descends to his mother. Subsequent intermarriage of parents, and recognition of paternity legitimatizes a child.

The degrees of kindred are computed according to civil law; half-blood inherit equally with whole blood in the same degree.

Any estate, real or personal, given or acknowledged expressly in the lifetime of the intestate to any child or lineal descendant, shall be taken as part thereof in the distribution.

Estates by curtesy, or in dower, are not affected by the above provisions.

General Statutes of Massachusetts, 1860, chap. 104.

The above Laws of Descent are subject to an important exception in the case of what is called an Estate of Homestead, which must not be confounded with the more usual acceptation of the term Homestead Laws, by which squatters acquire a prescriptive title to the land on which they have fixed their residence.

By the laws of Massachusetts every householder having a family is entitled to an estate of homestead to the extent of 800 dollars, in the farm or buildings, whether owned or leased by him, which he occupies as a residence, and such homestead is exempt from execution, sale for payment of his debts, and from the laws of conveyance, descent, and devise. To constitute such estate it must be set forth in the deed of conveyance, by which the property is acquired, that it is intended to be held as a homestead, or, after the title has been acquired, such design must be declared in writing, and recorded in the registry of deeds for the district where the property is situated.

The estate of homestead of any householder existing at his death continues for the benefit of his widow and minor children, and is held by them, if one of them occupy the premises, until the youngest child is twenty-one years of age, or until the marriage or death of widow.

This estate is limited to 800 dollars in value; any residue over that may be set off by appraisement to judgment debtors, &c.

Legal Method for Sale, Transfer, Exchange, or Division of Real Property.

In Massachusetts a system of registry for all deeds relating to real property exists, which is at once simple, and cheap enough to be worth resorting to for even the most trifling transactions.

Revised Statutes of Massachusetts, 1860, page 466.

There is in every county or district an office for the registry of deeds. No bargain or sale or other conveyance of an estate in fee-simple, fee-tail, or for life, and no lease for more than seven years, is valid against any person other than the grantor and his heirs and devisees and persons having actual notice thereof, unless it is made by a deed recorded in the registry of deeds for the county or district where the lands lie.

The grantor must, before the consideration is paid, make known to the grantee the existence and nature of all prior incumbrances.

A further security against fraud is given by the enactment that all deeds must be acknowledged by the grantor before a Justice of the Peace. If he refuses to acknowledge his deed, the grantee may apply to a Justice of the Peace, who will summons the grantor to appear, and hear the testimony of the subscribing witnesses. If the witnesses are dead the deed may be proved before any Court of Record or Probate by proving the handwriting of the grantor or witnesses.

A certificate of acknowledgment is endorsed on the deed by the Justice of the Peace, and no deed can be recorded in the Registry Office without such certificate.

The cost of registering deeds is from 1 dollar to 1½ dollars; a small extra charge per sheet is made for copying the deed if it exceed one sheet in length.

Properties, as a rule, are not heavily mortgaged; the facilities for sale being so great, and there being no feeling prevalent, as amongst us, in favour of handing down estates,

even when heavily encumbered, from generation to generation. The usual rate of interest on first-class mortgages is 7 per cent.; for small mortgages the rate depends upon the money market.

Mortgages are acknowledged and recorded in the same manner as other deeds. They may be discharged by an entry on the margin of the record thereof, in the Registry of Deeds, signed by the mortgagee, acknowledging the satisfaction of the mortgage; such entry has the same effect as a deed of release duly acknowledged and recorded. The mortgagee is liable for all damages occasioned by neglect or refusal to make such discharge.

Revised Statutes of Massachusetts, page 468.

Machinery is used to a very great extent in aid of manual labour, and as a substitute for it; and the high price of labour seems to have stimulated mechanical invention. The farming implements and machinery in use in the New England States in 1860 were valued at 3,894,998 dollars. There were 213 establishments for the manufacture of agricultural implements, employing 1,578 hands at a cost of 534,837 dollars for labour. The capital employed was 1,021,800 dollars; the raw material was worth 749,530 dollars, and the value of the product was 1,934,942 dollars.

United States' Census, 1860. Introduction to volume on Agriculture, page xi.

Rent.—Evictions.

Rent is regulated strictly by the bargain made between the parties—never by custom.

Revised Statutes of Massachusetts, page 471.

Tenants at sufferance are liable for rent for such time as they may occupy the land. Such rent may be recovered in an action of contract. Debts for the rent of a dwelling-house occupied by the debtor or his family are held to be claims for necessaries.

Upon neglect or refusal to pay the rent due according to the terms of any written lease, fourteen days' notice to quit, given in writing, is sufficient to determine the lease.

Estates at will may be determined by either party by three months' notice in writing, and when the rent reserved is payable at periods of less than three months, the time of such notice is sufficient if it is equal to the interval between the days of payment. In all cases of neglect or refusal to pay rent due on a lease at will, fourteen days' written notice is sufficient to determine lease.

Forcible entry is forbidden. No restitution can be made of any lands or tenements of which the defendant or his ancestors, or those of whom he holds the premises, have been in quiet possession for three years before the commencement of suit, unless his estate therein is ended.

Revised Statutes of Massachusetts, page 707.

The person entitled to possession may take from a Justice of the Peace or a Police Court, a writ summoning defendant to answer complaint. The writ must be served at least seven days before the day on which it is returnable; the suit is conducted like other civil actions.

When judgment is for the Plaintiff, he shall have execution for possession and his costs. If the Plaintiff fails to prove his right, Defendant has judgment and costs.

Upon appeal or removal to another Court, Defendant shall recognize to Plaintiff, with sufficient securities, to enter the action, to pay all rent then due, and all damages which Plaintiff may sustain by withholding of possession. Upon final judgment for Plaintiff, all sums of money then due to him may be recovered by writ of *scire facias* on action of contract on the recognizance.

Improvements.

Improvements are usually a matter of contract between the landlord and tenant. If made by the tenant they are under no security, and the landlord upon resuming possession has a legal right to them.

In an action on a writ of entry, if the demanded premises have been actually held and possessed by the tenant in the action, and by those under whom he claims for six years next before the commencement of the action, he shall, if judgment is against him, be entitled to compensation for the value of any buildings or improvements made or erected on the premises by himself or by any other person under whom he claims. The tenant shall also be entitled to like compensation, although the premises shall not have been so held six years, if he holds them under a title which he had reason to believe good. The amount may be assessed by the Jury on the trial, or, on motion of either party, the Court may make an order for their being assessed afterwards. When any sum is allowed to the tenant for improvements it shall be set off against the sum found due from him for rents, profits, and other damages.

Revised Statutes of Massachusetts, page 693.

(Signed) H. STYLEMAN LE STRANGE.

Washington, October 20, 1869.

No. 21.

Consul Lynn to the Earl of Clarendon.—(*Received October* 25.)

My Lord, *Galveston, October* 6, 1869.

IN accordance with the instructions of his Excellency Mr. Thornton, I have the honour to transmit herewith a Report on the Tenure of Land in this State, having reference to the queries inclosed in your Lordship's despatch to Mr. Thornton of the 26th of August last..

I have, &c.
(Signed) ARTHUR T. LYNN.

Inclosure in No. 21.

Report on the Tenure of Land in the State of Texas.

Name of Country.—The State of Texas, in the United States of America.
Population.—1,300,000.
Religions.—Christian of all denominations.
Industrial Pursuits.—Agricultural, stock-raising, manufacturing to a small extent.

Land Occupation.

(A.) The land is occupied by large and small proprietors.

(B.) Tenants are exceptions to the system of land-occupation in the State. Sub-tenants under intermediate tenants holding from proprietors are not known.

(A.)—Small Proprietors.

1. The quantity of land held by proprietors varies from 100 acres to 200,000 acres. The smaller farms, from 100 acres to 1 league and labour (4,605 acres), are held together; larger quantities are generally intersected by other properties.

2. The law regulating the descent and division of any estate of inheritance, real, personal or mixed, on the death of an intestate owner is as follows:—

(A.) Where there is no surviving husband or wife.

In parcenery,—

1. To the children and their descendants; failing whom,

2. To the father and mother in equal portions, but if only the father or mother survive, the estate shall be divided into two equal portions, one of which shall pass to such survivor, and the other portion shall pass to the brothers and sisters of the deceased and to their descendants or to such of them as there be, and if there be none such, then the whole estate shall be inherited by the surviving father or mother.

3. If there be neither father nor mother, then the whole estate shall pass to the brothers and sisters of the intestate and to their descendants, or to such of them as there be.

4. If there be none of the kindred aforesaid, then the inheritance shall be divided into two moieties, one of which shall go to the paternal and the other to the maternal kindred in the following course:—

To the grandfather and grandmother in equal portions, but if only one of these be living, then the estate shall be divided into two equal parts, one of which shall go to such survivor, and the other shall go to the descendant or descendants of such deceased grandfather or grandmother. If there be no such descendants then the whole estate shall be inherited by the surviving grandfather or grandmother. If there be no surviving grandfather or grandmother, then the whole of such estate shall go to their descendants, or to such of them as there be, and so on without end, passing in like manner to the nearest lineal ancestors and their descendants.—Paschal's "Digest," Article 3419.

(B.) Where there is surviving husband or wife.

1. If the deceased have a child or children or their descendants, the surviving husband or wife shall take one-third of the personal estate, and the balance of such personal estate shall go to the child or children of the deceased and their descendants. The surviving husband or wife shall also be entitled to an estate for life in one-third of the land of the intestate, with remainder to the child or children of the intestate and their descendants.

2. If the deceased have no child or children or their descendants, then the surviving husband or wife shall be entitled to all the personal estate of the intestate, and to one-half

of the lands, without remainder to any person or persons, and the other half shall pass and be inherited according to the rules of descent and distribution as prescribed in the foregoing section: Provided, however, that if the deceased have neither surviving father nor mother, nor surviving brothers and sisters or their descendants, then the surviving husband or wife shall be entitled to the whole of the estate of such intestate, real, personal, and mixed.—Paschal's "Digest," Article 3422.

Relations of the deceased standing in the same degree, take *per capita*,—their issue take *per stirpes*.—Ibid., Article 3425.

3. The legal method used for the sale, transfer, exchange or division of property is by distinct conveyance by deed, which deed must be recorded in the office of the County Clerk. The fee for recording varies according to the length of the deed; it is usually from 4*s*. 6*d*. to 15*s*., exclusive of the United States' revenue tax and conveyancer's fees.

Sale or division of the property of an intestate is made either by an administrator or by agreement of the heirs; in either case, it is necessary to obtain a Decree of the Court of Probate to that effect. A Decree of sale or of partition made by the Court of Probate incurs a charge of about 5*l*.

4. There are not any special facilities afforded for raising loans upon properties either from Government or special companies, or banks aided by Government or otherwise. Loans are raised by agreement either from banks or individuals. They are usually raised by deed of trust on the land or by a mortgage on the growing crop, and are for the cultivation and improvement of the property.

5. Properties are not heavily mortgaged. The rate of interest allowed by law is 8 per cent; but 12 per cent. may be charged by agreement.

6. All mortgages and deeds of trust are recorded in the office of the County Clerk at a cost varying from 4*s*. 6*d*. to 15*s*., exclusive of the United States' revenue tax and conveyancer's fees.

7. The crops raised are cotton, cane, Indian corn (maize,) cereals, pulse, tobacco, Irish and sweet potatoes. There is no regular rotation, and the general mode of cultivation is to consider one ploughing sufficient.

Stock are raised on the extensive prairies of the State. No returns have been ever made of the quantity of land in the State under tillage, and as the grass lands or prairies frequently extend for many miles, it would be idle to attempt to estimate the proportion between the two.

8. The most improved agricultural implements are generally used, also reaping- and mowing-machines. Steam-power has not yet been substituted on the farms for manual labour.

Many hired labourers, chiefly negroes, are employed. During slavery the average of labour was one hand to fifteen to twenty acres, but since the enfranchisement of the negro the average has been reduced to about eight acres per hand. Negro women work on the cotton and sugar plantations to a great extent. Women belonging to the families of small German proprietors also work in the fields.

Labourers are generally supported by the proprietors, that is, they have cabins to live in rent free, and weekly rations supplied to them. Their wages, exclusive of rations, are monthly, and average from 2*l*. 10*s*. to 3*l*. per month, *i. e.*, 1*s*. 8*d*. to 2*s*. per day. There is no difference of wages between men and women; both are classed as first, second, or third-rate hands.

9. The agricultural labourers do not emigrate; on the contrary, there is an annual influx of labourers to this State both from Europe and from other States in America.

10. Proprietors generally live on their properties.

11. They are well housed, well fed, and well clad. The standard of living of large proprietors approaches to luxury; the small proprietors live well, and the general circumstances of both are for the most part independent, and in many instances wealthy. Where a small proprietor is in poverty or want, his distress must be attributed to his inability, through ill health, to cultivate the land, or to indolence.

These remarks apply more particularly to those proprietors who have not been ruined by the disasters of the late Civil War, and who are the present cotton-raisers, sugar-planters, and farmers of this State.

12. The Assessment Roll of 1867 gives, exclusive of the areas of twenty-five counties, 50,839,063 acres of land owned by proprietors. The twenty-five counties which failed to make returns have an area of 35,563,520 acres. The total area of all the counties is 125,631,360 acres, and should the same proportion of proprietorship obtain throughout, there will then be held by land-owners, in fee-simple, 70,896,888 acres, which to a population of 1,300,000 gives 54½ acres to each person. This estimate does not include 72,385 square miles of territory belonging to the State, but not embraced in the counties.

It also admits of a reduction in proportion to the quantity of land owned by non-residents of the State.

13. There are no disadvantages arising from the above system having reference to the tenure of land.

The great difficulty large proprictors have to meet, is their inability to control free negro labour.

A given number of labourers, after having cultivated the land, would not be sufficient to gather the crop, if of cotton, without working extra hours. This labour the negro refuses to perform, and as the demand for labour throughout the State is greater than the supply, and as no machinery has yet been invented capable of gathering bolls of cotton from the plant, much of this crop is lost.

Proprietors have endeavoured to stimulate the negro to work by paying him with a fractional portion of the crop, but this system does not seem to work well; it affords a pretext for an assumption of authority on the part of the negro, who considers himself joint owner of the crop: and as the race seems incapable of estimating prospective gain, they are not thereby incited to greater industry.

It is probable that the present system of labour will be the means of changing the land-tenure into smaller properties.

(B.)—Tenants and Sub-Tenants under Landlords.

1, 2, 3, 4. I have previously stated that tenants are exceptions to the system of land occupation; therefore the queries under this head can scarcely apply to this State. But in all cases where a tenancy is created it would be by a written agreement, to be recorded in the office of the County Clerk, in which the term of years, the payment of the rent, whether in money or share of the produce, the conditions under which improvements might be made, and the right or inhibition to sublet or assign the lease, would be specified. Should there be no written agreement, the common law of England would govern.

5. There is no law or custom which gives the tenant any right beyond the terms of the agreement, and at the expiration of his lease he must quietly give up possession if required; otherwise he would be liable to be evicted.

6. There is no law enacted whereunder a tenant would have the right to sell his interest in his farm with or without the consent of the landlord, but as the common law of England rules in such cases the tenant would have the right to sell, subject to the conditions of the agreement of lease, if any.

Rent.

1. The payment of rent is according to the agreement or terms of the lease; there is no custom to the contrary. The payment would, in most cases, be made by a fixed amount in money.

2. The rent is not regulated by custom; it is made payable according to the terms expressed in the lease, whether yearly or half-yearly: and though arrears of rent might be permitted to remain unpaid until a future day, by the expressed consent of the proprietor, there is no such custom as a hanging-gale.

3. The landlord has an unlimited power of raising the rent on the expiration of the lease, and of eviction in case of non-payment of rent or breach of covenant.

4. The Act of 16th January, 1843, entitled "An Act Concerning Rents," enacts "that all persons granting a lease of lands or tenements, either at will or for a term, shall have a lien upon all the property of the tenant upon such premises for the payment of the rents becoming due under such lease, whether the same be paid in money, cotton, corn, or whatever else may be raised on the rented premises; and in case where the rent is to be paid in corn, cotton, or other articles raised upon the rented premises, it shall not be lawful for such tenant to remove off the premises any of such corn, cotton, or other articles in which the rent is to be paid, and such lien shall continue and be in force so long as such tenant shall occupy the rented premises, and for three months thereafter."—Paschal's 'Digest," Article 5027.

Section 2 of this Act provides that "landlords may apply to any Justice of the Peace, in the county where the premises are, for a distress warrant to seize the property of the tenant when the rent shall become due."—Ibid., Article 5028.

The Act of 3rd February, 1844, entitled "An Act supplementary to an Act concerning Rents," enacts:

Section 1. "That landlords shall not have a preference over other creditors on any portion of the tenant's property, except upon the crop that may be raised on the rented premises."—Ibid., Article 5032.

Section 2. "The three months' lien provided for in the Act, to which this is a supplement, shall only apply to the crop raised on the rented premises, and to no other property of the tenant; provided, that in no case shall the lien extend or continue beyond the 1st day of January next after the maturity of the crop, unless the crop subject to said lien be found on said rented premises after said time."—Ibid., Article 5033.

Section 3. Provides that the party applying for the distress warrant shall give a bond to indemnify the defendant in case the distress warrant has been illegally or unjustly sued out.—Ibid., Article 5034.

Evictions.

1. The Act of 5th February, 1840, entitled "An Act to regulate Proceedings in case of Forcible Entry and Detainer," empowers a landlord to sue for possession of his property before a Justice of the Peace of any county in the State and six jurors. If the jury find in favour of the plaintiff the Justice shall thereupon issue a writ directed to the Sheriff of the county, commanding him to put the plaintiff in possession.

The Act also provides that five days' notice shall be given to the tenant before the day of trial.

The legal mode of resisting such eviction is by an appeal from the Court of the Justice of the Peace to the Superior Courts, the appellant giving a bond for the payment of all rents becoming due from the commencement of the suit until its determination.—Paschal's "Digest," Article 3869.

2. As the goods and chattels of the tenant are liable to be seized for the costs of the suit, it is seldom that he awaits the award of a Court.

Improvements.

1, 2, 3, 4. There is no Statute which treats upon the subject of improvements made on rented lands. If not provided for in the lease, the landlord, upon resuming possession, would have a right to the improvements made upon the farm by the tenant.

5. Tenants have no greater facilities for raising loans than other persons.

Miscellaneous.

1. The relations between landlord and tenant are friendly, so long as the latter performs in good faith his part of the contract; and there is no legislative interference required by the tenants for their better protection. There is no imperative necessity that they should rent any particular land, and they consider themselves capable of making such conditions in the lease as may result to their advantage.

2. The mode of cultivation by tenants, their employment of labour, mode and standard of living, solvency, independence and general circumstances, are equal to those of small proprietors.

3. There are no records of the increase or decrease in the population of this State other than the decennial census taken by the General Government; and as there is no registry throughout the entire State of births and deaths, the United States' Census would fail to supply an answer to this query.

6, 7, 8. The creation of freeholds or tenancies by proprietors on the granting of leases have never been enforced by Legislature.

9. Acts have been passed by the State of Coahuila and Texas, by the Republic of Texas, and by the State of Texas donating land in fee simple to actual settlers. These Acts have expired by limitation, and there is no system now in force to create or increase the number of owners or freeholders.

10. Tenants do not receive any assistance by law, public credit or otherwise, in their endeavours to become proprietors of their own holdings or of other farms.

11. The laws now in force, such as the "Act of Descent and Distribution," the "Act to regulate proceedings in the County Courts pertaining to Estates of Deceased Persons," and that defining "Marital Rights," tend to favour the dispersion of land.

Copyhold.

There are no tenures in the State of Texas resembling the copyholds of England in which the rent or services have become, or are becoming, fixed by custom and the tenant irremovable.

(Signed) ARTHUR T. LYNN,
Her Britanic Majesty's Consul.

Galveston, October 6, 1869.

No. 22.

Acting Consul Briggs to the Earl of Clarendon.—(Received October 29.)

My Lord, *New Orleans, October 14, 1869.*

I HAVE the honour to inclose a Report upon the subject of the Tenure of Land in that portion of the United States in which this Consular district is situated, which Report has been prepared pursuant to instructions received from Her Majesty's Mission at Washington, and in conformity with a circular despatch addressed by your Lordship to Edward Thornton, Esq., C.B., which was forwarded by his Excellency to this Consulate for my guidance in furnishing the answers to the several queries, and the general information required by your Lordship.

I have, &c.
(Signed) EDWIN F. BRIGGS.

Inclosure in No. 22.

Report upon the Subject of the Tenure of Land in the State of Louisiana.

Population.—No census has been taken since 1860; the estimated number is 700,000, composed of whites and negroes.

Religions.—The Christian religion, which is about equally divided between the several Protestant sects and Roman Catholics.

Industrial Pursuits are principally agricultural with much inland steam navigation, giving occupation to a large number of steam-boat hands; but no manufacturing occupation exists to any extent.

Land Occupation.—(A.) Small Proprietors.

Q. 1. What quantity of land is usually held by each, and is it usually held together or intersected by other properties?—*A.* The occupation of land in the State of Louisiana, before slavery was abolished, may be said to have been by large proprietors, who owned extensively by reason of the great abundance of land, its cheapness, and the extent of soil compared with the population. Large proprietors, then as now, would be considered as those who held from 1,000 acres to 5,000 acres each, and small proprietors those who possessed from 1 acre to 100 acres each; the latter class consisted of white native inhabitants, who lived in the more healthy portions of the State, who cultivated chiefly by themselves and laboured individually in making the crops, not relying altogether on negro assistance; while the negro population almost alone worked in the alluvial and less healthy localities; although it is proper here to remark that white labourers, chiefly Irish, were and still are engaged very extensively in levée or river-embankment building, ditching, draining, and canal-digging, without injurious consequences to their health, in these same bottom lands. There is a desire among the great landowners to create small proprietorships, dividing lands into 40-acre or 50-acre farms for the purpose of encouraging white immigration into the healthy part of the State where the land rises higher than the swamps, and into a prairie country where sickness is almost unknown. Tenants under proprietors can scarcely be said to exist, although the labouring population, chiefly freed negroes, is undergoing a change in regard to its relations with the owners of the soil, who in many cases have adopted the plan of working the plantations on shares with the labourers; but as the whole system of labour is in a transition state out of slavery, it is impossible to give any accurate account of the manner in which the land is cultivated. The mode of doing so is extremely varied, it being the plan of many proprietors of large tracts of land to allot ten acres to each labourer, taking as rent the product in such proportion thereto as may have been previously agreed on.

Q. 2. What is the law regulating the descent and division of landed property on death of owner?—*A.* The property descends to the heirs of the owner by equal shares.

Q. 3. What is the legal method used for the sale, transfer, exchange, or division of such properties—whether by distinct conveyances or by a registry only; and what is the usual relative cost of same?—*A.* The legal method is by a writing, generally before a notary public and record of same, the United States' Government stamp-charge being 50 cents per 1,000 dollars value on each conveyance.

Q. 4 and 5. Are there any special facilities afforded for raising loans upon such

properties, either from Government or special public companies, or banks, aided by Government or otherwise? If so, are they commonly raised, and on what terms and conditions—whether for the purpose of buying off family charges, or for improvement of the property, or other purposes? Are these properties heavily mortgaged, and what is the usual rate of interest?—*A.* No facilities by Government, scarcely any by banks, but chiefly by private capitalists: much property is at present mortgaged, and but few or no new loans are now contracted. The late civil war entailed a great measure of ruin on all from the effect of the emancipation of negroes without compensation to the owners, either to those who participated in it actively, or to those who, like minor children, women owning property, single women or widowed, could not be said to have been engaged even passively in incurring the penalty, but who suffered equally in being deprived of the value of their slave property, inequitably, thus producing great individual ruin and confusion where mortgages existed on property and slaves. The small proprietors are not so much in debt as the larger ones. Loans are effected usually for one or two years at 10 per cent. per annum; sometimes above that rate, rarely below it.

Q. 6. What is the legal method of registering these mortgages and cost of registry, and of other legal proceedings connected therewith?—*A.* There is an office specially provided for the registry of mortgages—cost of registry about 1 dollar. These mortgages are like conveyances passed before a notary public, the usual fee being 10 dollars; but this charge depends on, and is regulated by, the length of the document, and the United States' Government stamps must be duly attached.

Q. 7. What crops are raised, and in what rotation; and what is the general mode of cultivation? In what manner are stock raised and pastured on small properties? What is the proportion between tillage and grass lands?—*A.* Cotton, sugar, rice, Indian corn, sweet potatoes, wheat, oats, hay, oranges, melons, figs, are yearly crops; the cultivating power being negroes and mules principally, between which class of animals a remarkable affinity exists, physically and intellectually, and unitedly they used to accomplish formerly, under proper, energetic, and positive authority and direction, the happiest and most successful agricultural results. The farming implements consist of the plough and hoe mainly. Rotation of crops is observed pretty generally, but owing to the great fertility and richness of the soil, it is the custom to plant over and over again in some localities the same crop year after year. Stock runs loose in pasture, taking care of itself, and requiring but little feed, except where used for labouring purposes. In the prairie lands, in the northern and western part of the State, stock is very abundant. In consequence of the want of proper labour much land is growing up in weeds and brush; there is no mode of ascertaining the relative proportion of tillage or grass lands: the grazing lands are mostly wild lands, natural prairies.

Q. 8. Is machinery much employed as a substitute for and in aid of manual labour? Are many hired labourers employed? What is their average number to the acre? To what extent is female labour employed? What are the average daily wages of the agricultural labourer, male and female, distinguishing between those who live with their employers and those who do not?—*A.* Machinery is just beginning to be introduced as an adjunct to the cultivation of land, not yet extensively so, and only within the last two years. A cultivator for throwing up earth on each side of a row of sugar canes, just emerging from the surface in its first external effort at vegetation when fresh earth has to be heaped round it, is considered a valuable invention. Labourers are in many cases hired; many work on shares with the proprietor of the land: otherwise they get 15 dollars per month and found—the rations issued consisting of pork and corn meal, or in lieu thereof the pay is 1 dollar per diem, and they find themselves. Female labour is not now employed, although much used before the civil war; the negro women will not work in their present state of freedom, although they almost universally did so before emancipation, besides, at the same time, having large families and rearing many children: but now they abhor the task, responsibility, and expense of caring for and bringing them up, consequently that class of the population is on the decline.

Q. 9. Do many of these agricultural labourers emigrate? If so, to what extent; and to what cause is such emigration attributed?—*A.* Labourers move from plantation to plantation, shifting about from place to place in the State of Louisiana; this would not be if there were less license, with more wholesome restraint and steady and systematic work.

Q. 10. Do these proprietors generally live on their properties or in villages adjacent thereto?—*A.* Proprietors generally live on their properties.

Q. 11. How are they housed, fed, and clad; and what is their standard of living, and their general circumstances?—*A.* Proprietors and labourers are well housed, well fed, and well clad; standard of living good, general circumstances easy, climate mild, and no especial suffering or privation to be endured.

Q. 12. What is their average population per acre, and the annual rate of increase in the population among the small proprietors, as compared with the urban population in their own country, and the annual rate of increase in other countries?—*A.* It is impossible to ascertain the average population per acre, but an approximate estimate might set it down at perhaps four or five individuals to the square mile; the increase in the white population being the same as in other countries. Children are easily reared, and under no greater disadvantages than in Europe, the dry, high, and prairie lands in the State are very healthy, but the alluvial or bottom lands, of which there is a large extent owing to the numerous rivers and bayous, as are designated the natural water communications, like canals, through different parts of the country, leading from and connecting the several rivers which run through these flat or bottom lands are occasionally unhealthy; even these improve their sanitary condition under the effect of drainage.

Q. 13. What is the prevalent public opinion as to the advantages or disadvantages of any part of the above system?—*A.* Subdivision of landed property since emancipation is supposed to be the most advantageous if immigration can be brought about to occupy the lands, public opinion looks to other than free negro labour; white labour and a white population would be preferred as being more in accordance with the natural aspirations of the white race, to elevate, distinguish itself, and find itself a unit in the representation of the State's interest in the general Legislative Council of the nation; the physical constitution of the negro, although he is now free and equal politically, excludes him from social fellowship, it being found that, after bestowing every advantage on him that education and every refining process can confer, neither instruction nor polish succeeds in qualifying him for social intercourse with the whites, nor can he, by any contrivance or arrangement, be brought into the domestic circle of the white race directly or by association, through authoritative decree or official recommendation; therefore the negro labourer is no longer the object of interest and solicitude that he was in his former state of slavery, when unquestionably he was more useful to himself and to others than he is now; nevertheless, he has every chance to get along in the world, and the Southern white man is his best friend as the course of events hourly proves and demonstrates.

(B.)—Tenants and Sub-Tenants under Landlords.

Tenure.

Q. 1. What quantity of land is usually held by each?—*A.* In land occupation there is very little tenant system, land being cheap, accessible to all, and easily acquired; the occupants are usually the owners of it.

Q. 2. What is the nature of the tenure, its usual duration, and leading incidents? Are sub-tenancies assignable by the tenant; and if so, must the landlord consent to such assignment?—*A.* Lands here are held not in fee simple, but in pure and simple allod m; the lands are either cultivated by the owner or by a lessee from year to year; leases are assignable unless assignment is forbidden by contract.

Q. 3. How is the tenancy created, whether by parol or written agreement? When there is no agreement, what does the law declare or presume as the duration of tenancy? —*A.* Tenancy agreements are usually in writing when no term is specified, leases of rural estates or farms are by the year; in the cities it is otherwise, monthly and yearly, or longer.

Q. 4. Is there any system by which a written agreement may be registered, and what is its nature?—*A.* Yes; leases ought to be registered in the Mortgage Office.

Q. 5. Is there any law or custom whereunder a tenant is considered as having a right to remain in occupation of his holding so long as he punctually pays the stipulated rent, or a rent to be determined from time to time by some legal tribunal, or by agreement, subject to arbitration?—*A.* No; the owner may permit the tenant to hold over if he chooses, but there is no custom on the subject; all is matter of contract.

Q. 6. Is there any law or custom whereunder a tenant is considered as having a right to sell his interest in his farm with or without consent of landlord; and if so, under what conditions?—*A.* The tenant can transfer or assign his lease unless forbidden by contract.

Rent.

Q. 1. In case of tenancies, is the payment to the proprietors made by a fixed amount in money or kind, or by share of the produce?—*A.* According to contract; by money or by share of the produce.

Q. 2. Is the rent regulated by custom, valuation, or competition? If by custom,

what is the nature of the custom, and is it recognized by courts of law? If by valuation, what is the mode of valuation, and by whom made? Is rent payable yearly or half-yearly, and is there a hanging gale?—*A.* The rent is entirely regulated by contract and by no other mode. The termination of this query No. 2 being "is there a hanging gale?" Can find no definition of this term, it is quite unknown here; neither do any of the law dictionaries, common or civil, throw any light on the question, "is there a hanging gale?" There is frequently a pending storm between proprietor and tenant when the latter is dilatory in payment of rent, and much in arrears, which generally bursts and makes disturbance; taken in connection with the preceding sentences, and, philologically considered, this is the only explanation of which the term is susceptible.

Q. 3. Has the landlord an unlimited power of raising the rent, and of eviction in case of non-payment of rent or breach of covenant or otherwise?—*A.* The landlord has unlimited power of raising the rent, but the tenant has also unlimited power of refusing to pay, without mutual consent and agreement previously given and entered into with regard to the terms thereof.

Q. 4. What are the legal means or procedure by which the respective rights of proprietors and tenants for recovery of rents and other claims are enforced, and does the law confer upon the landlord any exceptional privilege over other creditors?—*A.* By action at law; the landlord has a lien for his rent upon the effects of the tenant.

Evictions.

Q. 1. What are the legal means of procedure by which a landlord evicts a tenant? What notice is required to be served on tenants? What is the legal mode of resisting such eviction on the part of the tenant? And in case of eviction for non-payment of rent, is the tenant allowed any time to redeem?—*A.* By suit at law; and no notice is required unless the lease be tacitly renewed by the lessee holding over, then six months' notice in case of farms is required before suit for eviction.

Q. 2. Are such evictions frequent, and from what causes?—*A.* Evictions are frequent generally for non-payment of rent.

Improvements.

Q. 1. Are they executed (especially buildings) by landlord or tenant?—*A.* Generally by the landlord; if the tenant make any, he has the right to remove such at the end of his lease.

Q. 2. If by tenant, under what security, if any?—*A.* Answered above.

Q. 3. Has the landlord, upon resuming possession, a legal right to the improvements made upon the farm by the tenant, or does the law recognize any, and what right in the tenant?—*A.* The landlord, if he keeps the improvements or additions to the property leased, must pay for them, and he can only keep them in certain cases where they cannot be separated.

Q. 4. If so, how is such right defined, ascertained, and enforced?—*A.* By appraisement, or by a court or jury in case of suit.

Q. 5. Have tenants any means of raising loans for improvement of their holdings, either from Government, or special public companies or banks aided by Government, or enabled by special law or charter to grant loans, and if so, on what terms, conditions, and security are these loans made?—*A.* None from from Government nor from special public companies or banks, only from private capitalists on their individual credit, or any satisfactory collateral security.

Miscellaneous.

Q. 1. Are the relations between landlord and tenant friendly or otherwise, and is there any legislative interference required by the tenants for their better protection?—*A.* Generally unfriendly; tenants, however, are usually able to take care of themselves.

Q. 2. What is the mode of cultivation by these tenants? and in what respect, as regards cultivation of their farms, employment of labour, mode and standard of living, solvency, independence, and general circumstances and character, are they inferior or superior to the small proprietors?—*A.* The tenant principle or plan has already been reported as scarcely having an existence, but some resemblance to it being now about to make its appearance in the allotment of portions of land by large proprietors to the lately emancipated negroes, which class of population corresponds to tenants; attentive observation can be bestowed on this subject in future, but there has not been sufficient time for observation as to its working, so that no opinion can be formed with regard to it

that can be relied on as permanently illustrative of the system; the negro population is evidently on the decline in numbers, as has been previously remarked, there is a dislike on the part of negroes to having families, it involves the necessity for more exertion and labour than suffices for the maintenance of a single individual—the negro is grossly sensual and unambitious, negroes do not want to pay for medical services, nor to be liable and to have to pay all the contingent charges incurred while rearing a family of children, thus there are few or none born, though apparently there would be an increase in the population, but it does not occur, these appearances are not to be relied on to fruition; it is presumed unnecessary to be more explicit, though perhaps an innate tendency to neglect and indifference may be offered in explanation as the most charitable solution of the problem, a great dissoluteness of habits and low standard of morals being prevalent among this class of people, the consequential diseases are not slowly, but swiftly and surely sapping the vitality of the negro race, foreshadowing its extinction, and by many observant persons it is thought this event is likely to occur at no remote period, and at far too early a one for the continuance of the agricultural prosperity of the country, unless it be restored by a new and extensive importation of workers.

Q. 3. What is the annual rate of increase in the population among tenants as compared with that of small proprietors?—*A.* Answered above; no increase, but on the contrary a decline in numbers.

Q. 4. Do these tenants or their children emigrate? If so, to what extent, and to what cause is such emigration attributed?—*A.* This question is answered under the head of small proprietors, query No. 9.

Q. 5. What is the prevalent public opinion as to the advantages or disadvantages of any part of the above system?—*A.* Public opinion is divided on the subject of labourers for the extensive cotton and sugar fields of this state; strong thinkers and practical men wish to see the great natural resources of the country developed, but although therein they prefer of course their own, the white race, as agents, still they cannot ignore the superior adaptability of labourers whose whose physical nature and organization is in accordance with the climate. Asiatics it is thought would prove advantageous in great great portions of the country, not only in the State of Louisiana, but in the adjacent Southern States.

Q. 6 and 7. Has the creation of freeholds or tenancies by proprietors, or the granting of leases, been ever enforced by legislature? If so, to what extent, and upon what conditions? In case of any such limitation of proprietary rights, has any, and what, compensation been granted to proprietors?—*A.* Title IX., "Civil Code of Louisiana on Letting and Hiring" (transcribed in full), as follows:—

Extract from the Civil Code of Louisiana, United States.

"TITLE 9.—*Of Letting and Hiring.*

"Art. 2638. The contract of lease or letting out—besides the rules to which it is subject—in common with other agreements, and which are explained under the title of Conventional Obligations, is governed by certain particular rules, which are the subject of the present title.

"Chapter 1.—*Of the Nature of the Contract of Hire, and of its several Kinds.*

"Art. 2639. Lease or hire is a synallagmatic contract, to which consent alone is sufficient, and by which one party gives to the other the enjoyment of a thing, or his labour at a fixed price.

"Art. 2640. To this contract, as to that of sale, three things are absolutely necessary, to wit,—the thing, the price, and the consent.

"Art. 2641. The price should be certain and determinate, and should consist of money. However, it may consist in a certain quantity of commodities, or even in a portion of the fruits yielded by the thing hired.

"Art. 2642. The price, notwithstanding, may be left to the award of a third person named and determined, and then the contract includes the condition that this person shall fix the price; and if he cannot, or will not do it, there is no hiring.

"The contract would be null, if the price were left to be fixed by a person not designated.

"Art. 2643. There are two species of contracts of letting and hiring, to wit:—

"1. The letting-out of things;

"2. The letting-out of labour or industry.

"Art. 2644. To let a thing out is a contract by which one of the parties binds himself to grant to the other the enjoyment of a thing during a certain time, for a certain stipulated rent or hire, which the other binds himself to pay him.

"Art. 2645. To let out labour or industry is a contract by which one of the parties binds himself to do something for the other, in consideration of a certain price agreed on by them both.

"Chapter 2.—*Of Letting-out Things.*

"Section 1.—*General Provisions.*

"Art. 2646. The letting-out of things is of two kinds, to wit:—

"1. The letting-out of houses and moveables;

"2. The letting-out predial or country estates.

"Art. 2647. He who grants a lease is called the owner or lessor. He to whom a lease is made, is called the lessee or tenant.

"Art. 2648. All corporeal things are susceptible of being let-out—moveable as well as immoveable, excepting those which cannot be used without being destroyed by that very use.

"Art. 2649. Certain incorporeal things may also be let-out, such as a right of toll, and the like; but there are some which cannot be the object of hire, such as a credit.

"Art. 2650. A right of service cannot be lease separately from the property to which it is annexed.

"Art. 2651. He who possesses a thing belonging to another, may let it to a third person, but he cannot let it for any other use than that to which it is usually applied.

"Art. 2652. He who lets-out the property of another, warrants the enjoyment of it against the claim of the owner.

"Art. 2653. Leases may be made either by written or verbal contract.

"Art. 2654. The duration and the condition of the leases are generally regulated by contract, or by mutual consent.

"Art. 2655. If the renting of a house or other edifice or of an apartment, has been made without fixing its duration, the lease shall be considered to have been made by the month.

"Art. 2656. The parties must abide by the agreement as fixed at the time of the lease. If no time for its duration has been agreed on, the party desiring to put an end to it must give notice in writing to the other at least fifteen days before the expiration of the month which has begun to run.

"Art. 2657. The lease of a predial estate, when the time has not been specified, is presumed to be for one year, as that time is necessary in this estate to enable the farmer to make his crop, and to gather in all the produce of the estate which he has rented.

"Art. 2658. If, after the lease of a predial estate has expired, the former should still continue to possess the same during one month without any step having been taken, either by the lessor or by a new lessee, to cause him to deliver up the possession of the estate, the former lease shall continue subject to the same clauses and conditions which it contained, but it shall continue only for the year next following the expiration of the lease.

"Art. 2659. If the tenant either of a house or of a room should continue in possession for a week after his lease has expired, without any opposition being made thereto by the lessor, the lease shall be presumed to have been continued, and he cannot be compelled to deliver up the house or room, without having received the legal notice or warning directed by Article 2656.

"Art. 2660. In the cases provided for in the two preceding Articles, the security given for the payment of the rent shall not extend to the obligations resulting from the lease being thus prolonged.

"Art. 2661. When notice has been given, the tenant, although he may have continued in possession, cannot pretend that there has been a tacit renewal of the lease.

"Section 2.—*Of the Obligations and Rights of the Lessor.*

"Art. 2662. The lessor is bound from the very nature of the contract, and without any clause to that effect:—

"1. To deliver the thing leased to the lessee.

"2. To maintain the thing in a condition such as to serve the use for which it is hired.

" 3. To cause the lessee to be in peaceable possession of the thing during the continuance of the lease.

" Art. 2663. The lessor is bound to deliver the thing in good condition, and free from any repairs. He ought to make, during the continuance of the lease all the repairs which may accidentally become necessary; except those which the tenant is bound to make, as hereafter directed.

" Art. 2664. If the lessor do not make the necessary repairs in the manner required in the preceding Article, the lessee may call on him to do it. If he refuse or neglect to make them, the lessee may himself cause them to be made, and deduct the price from the rent due, on proving that the repairs were indispensable, and that the price which he has paid, was just and reasonable.

" Art. 2665. The lessor guarantees the lessee against all the vices and defects of the thing, which may prevent its being used, even in case it should appear that he knew nothing of the existence of such vices and defects, at the time the lease was made, and even if they have arisen since, provided they do not arise from the fault of the lessee; and if any loss should result to the lessee from the defect, the lessor shall be bound to indemnify him for the same.

" Art. 2666. If the lessee be evicted, the lessor is answerable for the damage and loss which he sustains by the interruption of the lease.

" Art. 2667. If, during the lease, the thing be totally destroyed by an unforeseen event, or if it be taken for a purpose of public utility, the lease is at an end. If it be only destroyed in part, the lessee may either demand a diminution of the price, or a revocation of the lease. In neither case as he any claim for damages.

" Art. 2668. The lessor has not the right to make any alterations in the thing, during the continuance of the lease.

" Art. 2669. If, without any fault of the lessor, the thing ceases to be fit for the purpose for which it was leased, or if the use be much impeded, as if a neighbour, by raising his walls, shall intercept the light of a house leased, the lessee may according to circumstances, obtain the annulment of the lease, but has no claim for indemnity.

" Art. 2670. If during the continuance of the lease, the thing leased should be in want of repairs, and if those repairs cannot be postponed until the expiration of the lease, the tenant must suffer such repairs to be made, whatever be the inconveniency he undergoes thereby, and though he be deprived either totally or in part of the use of the thing leased to him during the making of the repairs. But in case such repairs should continue for a longer time than one month, the price of the rent shall be lessened in proportion to the time during which the repairs have continued, and to the parts of the tenement of the use of which the lessee has thereby been deprived and the whole of the rent shall be remitted, if the repairs have been of such nature as to oblige the tenant to leave the house or the room, and to take another house, while that which he had leased was repairing.

" Art. 2671. If, in the lease of a predial estate, the premises have been stated to be of a greater extent than they really are, the lessee may claim an abatement of the rent, in the cases and subject to the provisions prescribed in the title of sale.

" Art. 2672. The lessor and not the lessee, unless there be a stipulation to the contrary, must bear all the real charges with which the thing leased is burdened. Thus he has to pay the taxes, rents, and other dues, imposed upon the thing leased.

" Art. 2673. The lessor is not bound to guarantee the lessee against disturbance caused by persons not claiming any right to the premises: but in that case the lessee has a right of action for damages sustained against the person occasioning such disturbance.

" Art. 2674. If the persons by whom those acts of disturbance have been committed, pretend to have a right to the thing leased, or if the lessee is cited to appear before a Court of justice to answer to the complaint of the persons thus claiming the whole or a part of the thing leased, or claiming some species of services on the same, he shall call the lessor in warranty, and shall be dismissed from the suit, if he wishes it, by warning the person under whose rights he possesses.

" Art. 2675. The lessor has for the payment of his rent, and other obligations of the lease, a right of pledge on the moveable effects of the lessee which are found on the property leased.

" In the case of predial estates, this right embraces everything that serves for the labours of the farm, the furniture of the lessor's house, and the fruit produced during the lease of the land; and in case of other houses and edifices, it includes the furniture of the lessee, and the merchandize contained in the house or apartment, if it be a store or shop.

" Stat. 11th February, 1852, p. 13.—The lessee shall be entitled to retain, out of the property subjected by law to the lessor's privilege, his clothes and linen, and those of his

wife and family; his bed and those of his wife and family, his arms, military accoutrements, and the tools and instruments necessary for the exercise of the trade or profession by which he gains his living, and that of his family.

"Art. 2676. This right includes, not only the effects of the principal lessee, or tenant, but those of the under-tenant, so far as the latter is indebted to the principal lessee, at the time when the proprietor chooses to exercise his right.

"A payment made in anticipation, by the under-tenant to his principal, does not release him from the owner's claim.

"Art. 2677. This right of pledge-effects, not only the moveables of the lessee and under lessee, but also those belonging to the third persons, when their goods are contained in the house or store, by their own consent, express or implied.

"Art. 2678. Moveables are not subject to this right, when they are only transiently or accidentally in the house, store, or shop, such as the baggage of a traveller in an inn, merchandize sent to a workman to be made up or repaired, and effects iodged in the store of any auctioneer to be sold.

"Art. 2679. In the exercise of this right, the lessor may seize the objects, which are subject to it, before the lessee takes them away, or within fifteen days after they are taken away, if they continue to be property of the lessee, and can be identified.

"Section 3.—*Of the Obligations and Rights of the Lessee.*

"Art. 2680. The lessee is bound:—

"1. To enjoy the thing leased as a good administrator, according to the use for which it was intended by the lease.

"2. To pay rent at the terms agreed on.

"Art. 2681. If the lessee makes another use of the thing than that for which it was intended, and if any loss is thereby sustained by the lessor, the latter may obtain the dissolution of the lease.

"The lessee, in that case, shall be bound to pay the rent until the thing is again leased out; and the lessee is also liable for all the losses which the proprietor may have sustained through his misconduct.

"Art 2682. The lessee may be expelled from the tenement, if he fails to pay the rent when it becomes due.

"Art. 2683. When the lessor has given notice to the lessee, in the manner directed by the law, to quit the property, and the lessee persists in remaining on it, the lessor may have him summoned before a Justice of the Peace, and condemned to depart; and if, three days after notice of the judgment, he has not obeyed, the Justice of the Peace may order that he shall be expelled, and that the property shall be cleared by the constable at his expense.

"Art. 2684. The constable charged with the execution of this order may force the doors and windows, if they are shut, and seize and sell such portion of the effects of the lessee as may be necessary to pay the costs.

"Art. 2685. The lessee is bound to cause all necessary repairs to be made which it is incumbent on lessees to make, unless the contrary hath been stipulated.

"Art. 2686. The repairs, which must be made at the expense of the tenant, are those which, during the lease, it becomes necessary to make.

"To the hearth, backs of chimneys, and chimney casings.

"To the plastering of the lower part of interior walls.

"To the pavement of rooms, when it is but partially broken, but not when it is in a state of decay.

"For replacing window-glass when broken accidentally, but not when broken either in whole or in their greatest part by a hail storm or by any other inevitable accident.

"To windows, shutters, partitions, shop windows, locks and hinges, and everything of that kind, according to the custom of the place.

"Art. 2687. The expenses of the repairs, which unforeseen events or decay may render necessary, must be supported by the lessor, though such repairs be of the nature of those which are usually done by the lessee.

"Art. 2688. The cleaning of wells and necessaries shall be at the expense of the lessor, unless the contrary has been stipulated.

"Art. 2689. If an inventory has been made of the premises, in which the situation at the time of the lease has been stated, it shall be the duty of the lessee to deliver back everything in the same state in which it was when taken possession of by him,

making however the necessary allowance for wear and tear and for unavoidable accidents.

"Art. 2690. If no inventory has been made, the lessee is presumed to have received the thing in good order, and he must return it in the same state, with the exceptions contained in the preceding Article.

"Art. 2691. The lessee is only liable for the injuries and losses sustained through his own fault.

"Art. 2692. He is, however, liable for the waste committed by the persons of his family, or by those to whom he may have made a sub-lease.

"Art. 2693. He can only be liable for the destruction occasioned by fire, when it is proved that the same has happened either by his own fault or neglect, or by that of his family.

"Art. 2694. It is the duty of a farmer of predial estate, to prevent the same being encroached upon, and in case of such encroachment, to give notice to the proprietor, in defect of which he shall be liable in damages.

"Art. 2695. It is the duty of a person who has one or several slaves on hire, to give immediate notice to the owner, should any of them happen to get sick or to run away; in default thereof he shall be liable in damages.

"Art. 2696. The lessee has the right to under-lease, or even to cede his lease to another person, unless this power has been expressly interdicted.

"The interdiction may be for the whole, or for a part, and this clause is always construed strictly.

"Art. 2697. The lessee has a right to remove the improvements and additions which he has made to the thing let, provided he leaves it in the state in which he received it.

"But if these additions be made with lime and cement, the lessor may retain them on paying a fair price."

"Section 4.—*Of the Dissolution of Leases.*

"Art. 2698, The lease ceases, of course, at the expiration of the time agreed on.

"Art. 2699. It is also dissolved by the loss of the thing leased.

"Art. 2700. The neglect of the lessor or lessee to fulfil their engagements may also give cause for a dissolution of the lease, in the manner expressed concerning contracts in general, except that the judge cannot order any delay of the dissolution.

"Art. 2701. A lease made by one having a right of usufruct, ends when the right of usufruct ceases.

"The lessee has no right to an indemnification from the heirs of the lessor, if the lessor has made known to him the title under which he possessed.

"Art. 2702. A contract for letting-out is not dissolved by the death of the lessor, nor by that of the lessee; their respective heirs are bound by the contract.

"Art. 2703. The lessor cannot dissolve the lease for the purpose of occupying himself the premises, unless that right has been reserved to him by the contract.

"Art. 2704. If the lessor sells the thing leased, the purchaser cannot turn out the tenant before his lease has expired, unless the contrary has been stipulated in the contract.

"Art. 2705. If the lessor has reserved to himself in the agreement the right of taking possession of the thing leased whenever he should think proper, he is not bound to make any indemnification to the lessee unless it be specified by the contract; the lessor is only bound in that case, to give him the legal notice or warning prescribed in Article 2656.

"Art. 2706. If it has been agreed by the parties at the time the lease was made, that in case the property was sold, the purchaser should be at liberty to take immediate possession, and if no indemnification has been stipulated, the lessor shall be bound to indemnify the lessee in the following manner:—

"Art. 2707. If it be a house, room, or shop, the lessor shall pay as an indemnification to the evicted tenant a sum equal to the amount of the rent, for the time which, according to the Article 2656, is to elapse between the notice and the going out.

"Art. 2708. If it be a predial estate the indemnification to be paid by the lessor to the evicted farmers, shall be the third of the price of the rent, during time which has yet to elapse.

"Art. 2709. The quantum of damages shall be determined by skilful men when the

controversy relates to manufactures, mines, and things of that kind, which require great disbursements.

"Art. 2710. The purchaser who wishes to use the right reserved by the lease, is moreover bound to give previous notice to the tenant according to Article 2656.

"The farmers of predial estates shall have one year's notice.

"Art. 2711. Previous to the expulsion of a farmer or tenant the before-prescribed indemnifications must be paid to him either by the lessor or, in his default, by the new purchaser.

"Art. 2712. If the lease has not been reduced to writing, the purchaser cannot be compelled to give any indemnification.

"Art. 2713. A person who has purchased an estate, the former proprietor of which has reserved by contract the right of redemption, cannot turn out the lessee until, by the expiration of the time fixed for the redemption, the purchaser becomes the irrevocable owner.

"Art. 2714. The tenant of a predial estate cannot claim an abatement of the rent under the plea that during the lease either the whole or a part of his crop has been destroyed by accidents, unless those accidents be of such an extraordinary nature that they could not have been foreseen by either of the parties at the time the contract was made, such as the ravages of war extending over a country then at peace, and where no person entertained any apprehension of being exposed to invasion or the like.

"But even in these cases the loss suffered must have been equal to the value of one-half of the crop at least, to entitle the tenant to an abatement of the rent. The tenant has no right to an abatement if it is stipulated in the contract that the tenant shall run all the chances of all foreseen and unforeseen accidents.

"Art. 2715. The tenant cannot obtain an abatement when the loss of the fruit takes place after its separation from the earth, unless the lease gives to the proprietor a portion of the crop in kind, in which case the proprietor ought to bear his share of the loss provided the tenant has committee no unreasonable delay in delivering his portion of the crop."

Q. 8. What is the state of public opinion as to the advantages and disadvantages of such system?—*A.* The new legislation being in a state of probation, public opinion is not fixed.

Q. 9. Have any steps been taken by Government to create or increase the number of owners or freeholders, and is any system now in force with this object?—*A.* The constitution of this State (Louisiana) Article 132, ordains that all lands sold in pursuance of decrees of Courts shall be divided into tracts of from 10 to 50 acres, to encourage the creation of small holdings, and is done in favour of the negro.

Q. Do tenants receive any assistance by law, public credit, or otherwise, in their endeavours to become proprietors of their own holdings or of other farms? Are such endeavours frequent? And is the desire to make them frequent or not?—*A.* No assistance by law, endeavours are frequent by tenants to become owners of their own holdings, and it depends upon a man's ambition, industry, perseverance, and economy whether or not he succeeds; the road is open to all,—youth, energy, industry, and sobriety, will enable any man here to acquire property of his own absolutely.

Q. How far do the laws in force tend to favour the accumulation or dispersion of land?—*A.* The system of rules of descent in the State of Louisiana favours the division of property into small estates, there being no right of progeniture.

Copyhold.

Q. Are there any tenures resembling the copyholds of England, in which the rent or services have become, or are becoming fixed by custom, and the tenant irremoveable? What is their nature and mode of growth?—*A.* Copyhold as it exists in England is unknown in this country; there are but two kinds of tenure or holding—one as absolute owner, the other as lessee.

No. 23.

Consul Lousada to the Earl of Clarendon.—(*Received November* 1.)

My Lord, *Boston, October* 19, 1869.

I HAVE the honour to inclose the replies to your Lordship's Circular despatch of the 26th August forwarded to me by Her Majesty's Minister at Washington, desiring information as to the tenure of land within this Consulate.

I have, &c.

(Signed) FRANCIS LOUSADA.

Inclosure 1 in No. 23.

Report on Tenure of Land in Massachusetts and Rhode Island.

Name of Country.—Massachusetts and Rhode Island, United States of America.
Population.—About 4,000,000 to 4,500,000.
Religions.—Every denomination.
Industrial Pursuits.—Manufactures and farming.

LAND OCCUPATION.

(A.) Small proprietors generally.
(B.) There are a very few tenants under proprietors.

(A.)—SMALL PROPRIETORS.

1. From 50 to 200 acres, some few farms containing 500 acres, too often consisting of parcels of land intersected by other properties.

2. To the widow, if any, one-third during her life, and the balance divided equally among the immediate descendants, the division taking into consideration all the heirs-at-law.

3. By distinct conveyances—the expense being the cost of writing the deed—the cost of recording it (usually about 1 dollar, regard being had to the length of the document and the internal Revenue stamp) the rate of stamping being fixed by the value of the estate conveyed.

4. No special facilities are afforded for loans on real estate, although Savings' Banks prefer mortgages on it as security. They are raised according to the necessities of the proprietors.

5. These properties are not now heavily mortgaged; the profits upon the products of farms during and since the war having been such as to enable them to pay off their mortgages generally. Interest 7 per cent.

6. Mortgages are recorded as deeds are, in the registry of deeds, and at about the same cost, the stamp being attached either to the mortgage deed or to the note.

7. The crops raised in Massachusetts are usually special, such as onions, cranberries, small fruits, garden vegetables for the market, &c. Mixed farming is carried on somewhat. A large quantity of milk is produced for local markets. There is no system of rotation; stock are fed upon the cow or at the pail until three months' old, then turned into the pasture. I suppose the tillage lands are about one-tenth the amount of grass lands.

8. Machinery is very generally employed as an aid to manual labour. Hired labour is generally employed, each farmer employing what he requires and can afford to use in carrying on his farm. The number to the acre depends entirely on the cultivation carried on. Female labour is seldom employed. But few labourers are employed on the farms by the day. They are paid by the month, receiving from 20 to 30 dollars per month (currency)* and boarded, quite generally in the families of the employers.

9. Agricultural labourers emigrate but little, unless seeking employment from place to place is called emigration.

10. Every farmer and proprietor lives on his own farm.

11. They are well housed, fed, and clad; they live as well as thriving persons desire, having a well-loaded table, with meat, bread, vegetables, &c., and their general circumstances are good.

12. I have no statistical tables from which to draw an answer.

13. Every body believes in the above system.

* Say 6¼ dollars to the £ sterling at present exchange.

(B.)—Tenants and Sub-Tenants under Landlords.

1. Farms of various sizes, from 30, 50, to 300 or 500 acres, are rented.

2. Farms are rented usually for one year, to be renewed if desirable from April to April. Sub-tenancies are unknown.

3. The tenancy is sometimes by written agreement, but most generally by parol. The law presumes the duration of farm-tenancy to be one year.

4. Written agreements are not registered.

5. Legal tribunals never fix the rent, that is a matter of agreement between landlord and tenant; and the law provides that notice shall be given to the tenant to quit—usually the length of time between two pay days; and the tenant cannot remain so long as he punctually pays his rent, unless the landlord desires.

6. No provision is made for the tenant to sell his interest in the farm which he rents.

N.B.—It should be remembered that the renting of farms is very unusual here.

Rent.

1. The payment of rent is usually in money, the amount being agreed upon between the parties. Farms are also rented "to the halves," the tenant paying all the expenses, and paying the proprietor interest on a valuation of the stock and tools, and one-half of the gross proceeds from sales of produce, milk, &c. It is usually stipulated in such cases that the tenant shall sell no hay from the farm.

2. The rent is not fixed by law, but by custom, as the parties agree.

3. The landlord has the right to raise the rent when the term for which the farm was rented shall have expired. He has the power of eviction alluded to above. The rent is usually payable semi-annually.

4. The law confers no privileges on the landlord above other creditors.

Evictions.

By a summary process provided by statute, called an action of forcible entry and detainer, popularly called "an action of ejectment."

If the action is brought for non-payment of rent, fourteen days previous notice in writing is required. If to determine a tenancy-at-will, then a notice equal to the intervals between the payment of rent; that is to say if the rent is payable weekly, a week's notice is sufficient; if monthly, a month's notice, &c., which notice is to be served on or before the rent day.

There is no special mode of avoiding eviction aside from the usual defences to the action of ejectment, such as unsufficient notice, denial that the rent is in arrear, &c.

In case of eviction the tenant has no right of redemption, but if ejectment is brought for non-payment, under a written lease, the tenant by paying all arrears of rent, interest and costs, four days before the return day of the writ, may retain possession of the premises. In addition to the statute provisions, there are also the common law remedies.

2. These evictions are very frequent, and usually for non-payment of rent.

Improvements.

1. Improvements are made by the landlord.

2. If by the tenant, under special contract with the landlord.

3. The landlord upon resuming possession has a legal right to improvements made on the farm by the tenant; but it should be remembered that the tenant makes no such improvements except when remunerated by the landlord, as they are made.

4. Answered by above.

5. Tenants have no means of raising loans for improvements of their holdings, except on their individual credit.

Miscellaneous.

1. Friendly, and no futher legislation is required.

2. Tenants cultivate according to the wants of the markets, as proprietors engaged in practical agriculture do. Tenants are in every way, such as living, social position, character, &c., equal to the small proprietors, and large ones too, so far as I know.

3. Tenants increase and multiply in the same way and in the same proportion as the proprietors.

4. They and their children emigrate no more nor less than other persons.

5. This system is generally received by the public, and is in accordance with the civil institutions of New England.

6. The Legislature has never created tenancies or granting of leases; it only provides the law by which individuals can create them; every man does as he pleases with his landed estates as long as he holds them.

7. Answer comprehended in above.

8. Public opinion approves of this.

9. Government has taken no steps in the matter.

10. Tenants receive no assistance except from their own heads and hands.

11. The laws in force disperse the lands.

Additional Queries.

14.(*a*). There are no tenures resembling copyholds of England. Tenants are always removeable.

I consulted Dr. George B. Loring, of Salem, Massachusetts, the most eminent authority here on all matters connected with land, and suggested whether some houses rented on long leases and at high rents, for improvements, the said improvements reverting absolutely to owner at expiration of lease, did not come somewhat under the head of "copyhold," and I inclose his reply, which is interesting, and disposes of the question fully.

(Signed) F. LOUSADA,
Her Britannic Majesty's Consul for Massachusetts and Rhode Island.

Inclosure 2 in No. 23.

Dr. Loring to Consul Lousada.

My dear Sir, *Salem, October* 16, 1869.

THE doctrine of copyhold is of no application in the United States. The absence here of all villenage renders it impossible.

There may be an analogy in the cases to which you refer. But they are simply long leases, and are confined to large cities where improvements are constant and valuable, and where the value of real estate is constantly increasing. If you will take the rate at which Mr. Bradlee could rent his estate without improvements, and get an annual return therefrom, you will see that he is paying pretty well for the improvements made on it by his tenant.

I know of but one instance of similar leases of farming property, that of the Brierley Estate in Tyngsboro', Massachusetts, and that ended in disaster to all parties. The tenants made and could make no improvements, and the proprietors starved before the leases expired.

The truth is, that all law and custom in this country militate against the long possession of large landed estates, from generation to generation.

Truly yours, &c.
(Signed) GEO. B. LORING.

No. 24.

Consul Walker to the Earl of Clarendon.—(Received November 9.)

My Lord, *Charleston, October* 27, 1869.

IN conformity with instructions received from Her Majesty's Minister at Washington, on the 18th instant, I have the honour to inclose herewith to your Lordship a report on the subject of Land Tenure, as it prevails in the State of South Carolina.

This report is in the form of answers to the several queries contained in a Query Paper on the subject, which was at the same time forwarded to me from the Legation.

I have, &c.
(Signed) H. PINCKNEY WALKER.

Inclosure in No. 24.

Report upon the Tenure of Land in South Carolina.

THE population of South Carolina by the census of 1860 is stated to number 703,708; by a State official computation its area appears to be 41,513,216 acres. The State is divided into thirty counties, and the population and arable land, being the only land in cultivation, are as follows, viz.:—

Names of Counties.	White Population.	Negro and Mulatto Population.	Acres of Arable Land.
Abbeville	11,516	20,860	142,427
Anderson	14,286	8,587	82,595
Barnwell	12,702	18,041	185,817
Beaufort	6,714	33,339	118,364
Charleston ..	29,188	40,912	106,123
Chester	7,098	11,024	94,321
Chesterfield	7,354	4,480	35,542
Clarendon	4,378	8,717	54,396
Colleton	9,255	32,661	96,330
Darlington	8,432	11,929	106,611
Edgefield	15,654	24,233	135,510
Fairfield	6,373	15,738	85,444
Georgetown	3,013	18,292	29,642
Greenville	14,631	7,261	68,744
Horry	5,564	2,398	23,975
Kershaw	5,048	8,038	44,863
Lancaster	6,054	5,743	45,340
Laurens	10,529	13,329	106,173
Lexington	9,333	6,246	65,286
Marion	11,007	10,183	76,036
Marlborough	5,373	7,061	81,194
Newberry	7,000	13,879	80,432
Orangeburg	8,108	16,788	129,374
Pickens	15,335	4,304	68,872
Richland	6,863	11,444	48,519
Spartanburg	18,537	8,542	75,581
Sumter	6,857	17,002	86,594
Union	8,670	10,965	72,029
Williamsburg	5,187	10,302	43,679
York	11,329	10,173	103,619
Total	291,388	412,320	2,490,450

Total of Population:—	
White	291,388
Negro and mulatto	412,320
	703,708
	Acres.
Land in cultivation	2,490,450
Other land	39,022,766
Aggregate average	41,513,216

Or, about 3½ acres of cultivated land to each inhabitant.

Among these inhabitants the Christian religion prevails. It should be noted that a new census is now being taken, which, as war has intervened, may, in some particulars, show very different results.

The culture of cotton, rice, and provisions are the principal industrial pursuits; by the term "provisions" are meant, Indian corn, peas, sweet potatoes, and everything else desired for plantation consumption. Manufacturing industry is in its infancy.

Land Occupation.

Land is occupied—

(A.) By proprietors of large possessions;
By proprietors of limited possessions;
By tenants holding directly of proprietors; and also,
(B.) By sub-tenants.

But the occupation of land by proprietors prevails so generally as almost to exclude from view occupation by tenancy.

(A).—Small Proprietors.

Or those having limited possessions:—

1. These, before the occurrence of the late civil disturbances, might be said to own tracts of land varying in size from 50 to 500 acres; but the effect of those disturbances, in some portions of the State, has been to bring into existence another class of small proprietors, viz., those of the African race among whom the lands of the white inhabitants have been distributed by military power; the size of the tracts now held by such may be said to range from 5 to 50 acres, and are held in one body. It is to these in particular to which the following remarks are applicable.

2. The Statute for the Distribution of Intestates' Estates gives one-third to the widow, and the remainder to the child or children; if no widow, the whole to the child or children.

3. The forms appended, A and B, are declared by Statute to "be valid and effectual to convey from one person to another, or others, the fee-simple of any land or real estate, if the same shall be executed in the presence of, and be subscribed by, two or more credible witnesses."

It is provided that the prescribed form shall not invalidate forms previously used.

The usual cost attending a transfer by sale, including a professional investigation of title, may be from fifteen to fifty dollars in money, cotton, or provisions.

Upon form A will be found the prescribed form of renunciation of dower, and upon form B the prescribed form for renunciation by a married woman when the estate is held in her right.

4. There are no special facilities possessed by small proprietors for raising money.

5. The usual mode of disposing of real estate applies, it is believed, to small as well as to large bodies of land, and to the valueless tracts as well as to the valuable. It is to offer the same for sale on such terms as these, viz., one-fourth cash, balance in one, two, and three years; the credit portion to be secured by the bond of the purchaser and mortgage of the property sold. The usual rate of interest, where no special agreement is made, is 7 per cent. per annum; but there are now no usury laws.

6. Upon the forms appended will be found a form of affidavit, which being filled up and sworn to before any Magistrate or notary, entitles the deed to record in the Office of Registry for the county in which the land is situate.

7. Nothing favourable can be said in reply to this question. Generally a patch is planted in cotton, and another in provisions; little further attention and care are bestowed, and the crops soon becoming choked with grass and weed, no profit can be said to result from the operation. Stock are not generally raised by this class of proprietors, and very sparingly by any.

8. Small proprietors have not the command of capital which the employment of machinery requires. The hoe and the axe are the only implements the agricultural labourer (freed negro) uses. A man with the aid of a mule and plough might manage, on the seaboard, about ten acres, and in the interior about twenty. Without the mule and plough, from one to two acres is as much as is generally prepared.

A few, but a very few, are thrifty, and these probably obtain assistance by hiring others. The women, too, are useful in the field, and use the hoe with skill.

From 30 to 50 cents (1*s.* to 1*s.* 6*d.*) per day would be customary wages, and these would, probably, be paid in provisions. Labour from outsiders would only be occasional.

No labourers are supposed to live with their employers.

9. The agricultural labourers are in the habit of removing from place to place, from, it is thought, the mere love of change.

10. They construct little huts, and live on their own lots.

11. Two acres of land well farmed, with the usual appendages of pigs and poultry, and the products of the rivers and forest, which are generally within the reach of all, might keep a family of negroes in great comfort; but negroes prefer indolence. Huts of the most ordinary kind, irregular and insufficient sustenance, and very often indeed a mere apology for clothing, gratify their utmost ambition.

12. The population, to which these observations apply, is rapidly diminishing. Wandering habits of life, want of proper clothing, irregular and insufficient food, and imperfect and unwholesome dwellings, all operate disadvantageously; and especially is it so when these poor creatures are overtaken by sickness, for generally without money they can obtain no medical aid, and the country is too wide and the population too sparse to permit any regulations for the benefit of the poor to be carried into effect. So that these poor people, since they have obtained their freedom from slavery, have no means of obtaining hospital attendance during sickness; and they have no idea of taking care of

themselves, nor of each other, either then or at any other time, without the supervision and direction of some white person. Having, by their acceptance of freedom and consequent antagonistic conduct, in a great measure, isolated themselves from those who formerly cared for them, the consequences are apparent in the excessive mortality that occurs among them. There are, however, no statistics from which a more particular answer can be given. The mortality in Charleston for the last few years has been as follows:—

In 1866—population estimated at 35,000, and about equally divided between whites and blacks:—

Mortality of whites	607	
Mortality of blacks	1,164	
		1,771

Proportion to entire population, 1 in $19 \cdot \frac{774}{1000}$.

In 1867:—

Mortality of whites	462	
Mortality of blacks	879	
		1,341

Proportion to entire population, 1 in $26 \cdot \frac{099}{1000}$.

And in 1868:—

Mortality of whites	390	
Mortality of blacks	818	
		1,208

Proportion to entire population, 1 in $28 \cdot \frac{973}{1000}$.

13. It is an experiment. The general local belief is that many of the class referred to will, in the course of time, disappear, and that the residue will not become of greater use to civilization than they are at present.

(B.)—Tenants and Sub-Tenants under Landlords.

Tenure.

1. A tenant may hold a large body of land; a sub-tenant, perhaps, from two to five acres.

2. The tenancy is for a season. The parties hiring are generally wholly irresponsible, and they do just as they like. If they have a crop planted they will be unlikely to leave before harvest; but they would not hesitate to put others in their places if it suited their convenience, whether the landlord approved or not.

3. Tenancy is generally by parol, and made manifest by peaceable occupation. If nothing to the contrary, by express agreement, the law would presume a tenancy for the season, to the 1st December or 1st January, according to the custom of the locality.

4. A lease should be recorded at the Court-house of the county in which the land is situate within three months of execution, if for more than one year, or it would not be valid against the claims of third persons.

5. There is no law or custom to the effect inquired of.

6. General want of responsibility will induce a tenant to act according to his own caprice, irrespective of the wishes of his landlord.

Rent.

1. It is generally paid by a share of the products of the farm.

2. And depends upon the understanding of the parties, generally it is payable when the crop is got in.

3. The tenancy being for a single season, the rent for a subsequent season, upon a tacit holding over would be the same; but upon the termination of the first, or any other year there is nothing to prevent the landlord from imposing fresh terms if so disposed.

4. Appended (C) is a copy of the Act recently passed to protect labourers and persons working for shares of crops; which, is is submitted, may be useful in connection with the present subject. The remedy for rent in arrear by distress, was abolished by military order and it has not been since re-established.

The landlord now has no priority over other creditors; except on the administration

of the estates of deceased persons: in such cases the prescribed order of payment is as follows:—

1. Funeral expenses: expenses of last sickness; and the expense of proving will, or of letters of administration;
2. Debts to the public;
3. Judgments, mortgages, and executions,—the oldest first;
4. Rent;
5. Bonds, and other obligations of that class; and
6. Debts on open account.

Evictions.

1. When tenants hold over landlords have an expeditious and summary mode of gaining repossession, by making application to a magistrate who causes a jury to be summoned to try the complaint; and upon verdict rendered, the magistrate issues his warrant commanding the sheriff within ten days to put the landlord in possession.

No notice is requisite on the expiration of a written lease, and no parol lease gives a right of possession for more than one year; but if there were a holding on by consent, three months' notice would be necessary to terminate a subsequent year's tenancy, or it would run on as before.

Non-resistance to eviction must be by defending the complaint made before the jury. Written leases generally provide that failure to pay rent shall terminate the lease; so that the proceedings would be against the tenant for holding over, rather than for not paying: for the rent, the landlord would probably be left to his action of debt on covenant, or of assumpsit for use and occupation according to the nature of the lease.

2. Evictions, such as are referred to, are not infrequent, but yet not very common.

Improvements.

1, 2, 3, and 4. Tenants are prohibited by statute from making alterations, or removing buildings erected on leased lands; but such matters are invariably governed by the contract the parties enter into; if a landlord would not reimburse a tenant, the latter would not improve the property in his possession. Questions of this sort very seldom arise.

5. Persons in good credit and able to deposit approved collateral security, may raise money at from 12 per cent. to 36 per cent. per annum for any purpose; but tenants occupy no better position than other persons.

Miscellaneous.

1. The existing relations between landlords and tenants are friendly.

2. Nothing very favourable can be said of either small proprietors or of their tenants, nor of sub-tenants. Labourers who do not hire land are the most respectable, for they, labouring for proprietors of large estates, work, generally, two days of each week without wages in money, but as payment for the use, for each, of a comfortable house and of about two acres of land, which they and their wives and children cultivate as they please; or the remaining four days of the week they receive from 30 to 50 cents a day (1*s.* to 1*s.* 6*d.*) These are comparatively industrious; the others are indolent in the extreme, and frequently vicious and pestilent.

By a day's work is meant a task which usage has established as the labour a negro should be required to perform in the course of a day—it is generally accomplished in little over half a day.

3. This population is said to be diminishing very rapidly. Tenants and small proprietors have no distinct classification, and no mortuary tables are kept.

4. A love of change causes them to wander from place to place.

5. The present state of things is owing to the political teachings of the Adventurers from the North, commonly called Carpet-baggers. If the minds of the negroes had not been unsettled by the strangers referred to, they would, it is thought, have yielded deference to the advice and judgment of those who better understood their nature and necessities, and would have become much more steady and useful members of the community. As it is, many are good for nothing, and their bad example produces an unfavourable effect on those of greater worth.

6, 7, 8, 9, and 10. In answer to these questions a copy of an Act of the Legislature

is appended (D), which sanctions a plan for the purchase of land to be divided and resold in lesser tracts.

11. The abolition of the law of primogeniture operates against the accumulation of land. The division of the estate of the ancestor among all of his children instead, renders partition frequently necessary; though not unfrequently, on a sale for partition one member of the family buys the family plantation on the usual terms of credit, and his bonds secured by mortgage of the land, are divided instead. By will, too, if so disposed, a testator can do, by his own act, what in England the law would otherwise do for him, that is to say, he may provide for an elder son to the prejudice of younger brothers and sisters; and if he chooses he may make as strict a settlement, and for as long a period as may be done in England.

Copyhold.

To the additional query as to copyhold tenures, it need only be remarked that they do not exist.

(Signed) H. PINCKNEY WALKER, *Consul.*

British Consulate, Charleston, October 26, 1869.

Appendix (A).

Title to Real Estate.

The State of South Carolina.

KNOW all men by these Presents, that in the State aforesaid in consideration of the sum of to in hand paid at and before the sealing these presents, by in the State aforesaid, (the receipt whereof is hereby acknowledged), have granted, bargained, sold, and released, and by these presents do grant, bargain, sell, and release, unto the said

Together with all and singular the rights, members, hereditaments, and appurtenances to the said premises belonging, or in anywise incident or appertaining.

To have and to hold all and singular the said premises before mentioned, unto the said heirs and assigns for ever. And do hereby bind heirs, executors, and administrators, to warrant and for ever defend all and singular the said premises unto the said heirs and assigns, against and heirs, and all and every other person lawfully claiming or to claim the same, or any part thereof.

Witness, hand and Seal this day of in the year of our Lord one thousand eight hundred and and in the year of the Sovereignty and Independence of the United States of America.

Signed, sealed, and delivered in the presence of

Title.

The State of South Carolina, }
County. }

Personally appeared before me, and made oath that saw the within-named sign, seal, and as act and deed, deliver the within written deed; and that with witnessed the execution thereof.

Sworn to before me this day of 18

Renunciation of Dower.

The State of South Carolina, }
County. }

I, do hereby certify unto all whom it may concern, that Mrs. the wife of the within-named, did this day appear before me, and upon being privately and separately examined by me, did declare that she does freely, voluntarily, and without any compulsion, dread, or fear of any person or persons whomsoever, renounce, release, and for ever relinquish unto the within-named heirs and assigns, all her interest and estate, and also all her right and claim of dower, of, in, or to all and singular the premises within-mentioned and released.

Given under my hand and seal, this day of Anno Domini eighteen hundred and

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Appendix (B).

Title to Real Estate.—Renunciation of Inheritance.—Form No. 4.

The State of South Carolina.

KNOW all Men by these Presents, that in the State aforesaid in consideration of the sum of to in hand paid at and before the sealing of these presents, by in the State aforesaid, (the receipt whereof is hereby acknowledged), have granted, bargained, sold, and released, and by these presents do grant, bargain, sell, and release, unto the said

Together with all and singular the rights, members, hereditaments, and appurtenances to the said premises belonging, or in anywise incident or appertaining:

To have and to hold all and singular the said premises before mentioned, unto the said heirs and assigns for ever. And do hereby bind heirs, executors, and administrators, to warrant and for ever defend all and singular the said premises unto the said heirs and assigns, against and heirs, and all and every other person lawfully claiming or to claim the same, or any part thereof.

Witness hand and seal this day of in the year of our Lord one thousand eight hundred and and in the year of the Sovereignty and Independence of the United States of America.

Signed, sealed, and delivered in the presence of

Title.

The State of South Carolina, }
County. }

Personally appeared before me, and made oath that saw the within-named sign, seal, and as act and deed deliver the within written deed; and that with witnessed the execution thereof.

Sworn to before me this day of 18

Renunciation of Inheritance.

The State of South Carolina,
County.

I, do hereby certify unto all whom it may concern, that the wife of the within-named, did this day appear before me, and upon being privately and separately examined by me, did declare that she did, at least seven days before this her examination, positively, actually, and *bonâ fide* join her said husband in executing the within release, and that she did then and still does, at this her examination, freely, voluntarily, and without any manner of compulsion, dread, or fear of any person or persons whomsoever, renounce, release, and for ever relinquish unto the within-named heirs and assigns, all her interest and estate and also all her right and claim of inheritance, of, in, or to all and singular the premises within-mentioned and released.

Given under my hand and seal, this day of Anno Domini 18 (L.S.)

Appendix (C).

A.D. 1869.

An Act to protect Labourers and Persons working under Contract on Shares of Crops. No. 147.

Section 1. Be it enacted by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, that all contracts made between owners of land, their agents, administrators or executors, and labourers, shall be witnessed by one or more disinterested persons, and, at the request of either party, be duly executed before a Justice of the Peace or Magistrate, whose duty it shall be to read and explain the same to the parties. Such contracts shall clearly set forth the conditions upon which the labourer or labourers engaged to work, embracing the length of time, the amount of money to be paid, and when; if it be on shares of crops, what portion of the crop or crops. Contracts witnessed.

Sec. 2. That whenever labour is performed under contract on shares of crop or crops, such crop or crops shall be gathered and divided off before it is removed from the place where it was planted, harvested, or gathered. Such division to be made by a disinterested person, when desired by either party to the contract. And such disinterested party shall be chosen, by and with the consent of the contracting parties, whenever the parties fail to agree upon any disinterested party, or if complaint is made that the division has been unfairly made, within ten days after such division, it shall be the duty of the Justice of the Peace or Magistrate residing nearest the place where such crop or crops are planted, harvested, or gathered, to cause, under his immediate supervision, such equitable division as may be stipulated in the contract. Such disinterested party or Justice of the Peace or Magistrate shall receive a reasonable compensation for such service, to be paid by both of the contracting parties, according to their several interests, except in cases of an attempt to wilfully defraud the other by one of the contracting party; then such compensation shall be paid by the party so attempting to defraud the other. When such division has been made, each party shall be free to dispose of their several portions as to him or her or them may seem fitting: Provided, that if either party be in debt to the other for any obligation incurred under contract, the amount of said indebtedness may be then and there settled and paid by such portion of the share or shares of the party so indebted as may be agreed upon by the parties themselves, or set apart by the Justice of the Peace or Magistrate, or any party chosen to divide said crop or crops. Crops to be divided. Debts to be settled.

Sec. 3. That whenever labourers are working on shares of crop or crops, or for wages in money or other valuable consideration, they shall have a prior lien upon said crop or crops, in whosoever hands it may be. Such portion of the crop or crops to them belonging, or such amount of money or other valuable consideration due, shall be recoverable by an action in any Court of competent jurisdiction. Lien on crop.

Sec. 4. That whenever such contract or contracts are violated, or attempted to be violated or broken, or whenever fraud is practised, or attempted to be practised, by either party to such contract or contracts, at any time before the conditions of the same are fulfilled and the parties released therefrom, complaint may be made before a Justice of the Peace or Magistrate, or may be carried before any Court having jurisdiction in such cases, where the extent and character of the offence shall be determined. If the offending party be the landowner or owners, his, her, or their agent or agents, and fraud has been practised, Violation of contract. Remedy.

or attempted to be practised, either in keeping any account or accounts between him, her, or them, and the other party or parties to such contract or contracts, or in the division of the crop or crops, or the payment of money or other valuable consideration, upon proof to conviction, such offender or offenders shall forfeit and pay a fine, not less than 50 dollars nor more than 500 dollars; or if it be a disinterested party chosen to make a division or divisions of crops hereinbefore provided, he, she, or they, shall be liable to an action of tresspass, and shall be tried in any Court of competent jurisdiction, and on proof to conviction, be fined in a sum not less than 50 nor more than 500 dollars, or be imprisoned for a period not less than one month nor more than one year, at the discretion of the Court. If the offending party be a labourer or labourers, and the offence consist either in failing wilfully and without just cause to give the labour reasonably required of him, her, or them, by the terms of such contract, or in other respects shall refuse to comply with the conditions of such contract or contracts, or shall fraudulently make use of or carry away from the place where the crop or crops he, she, or they may be working are planted, any portion of said crop or crops, or anything connected therewith or belonging thereto, such person or persons so offending shall be liable to fine or imprisonment, according to the gravity of the offence, and upon proof to conviction before a Justice of the Peace or a Court of competent jurisdiction.

Penalty.

Responsibility of Magistrates.

Sec. 5. Any Justice of the Peace or other officer before whom complaint is made, and whose duty it is to try such cases as is hereinbefore provided, who shall offend against the true intent and meaning of this Act, or shall refuse to hear and determine, impartially, all cases that may be brought before him, under the provisions of this Act, and all peace officers, whose duty it is to apprehend all offenders against the laws of the State, who shall refuse to perform their duty in bringing to justice any and all offenders against this Act, shall be liable to a charge of malfeasance in office, and upon proof to conviction shall be forthwith removed from office, and fined in a sum not less than 50 nor more than 100 dollars.

Sec. 6. All Acts and parts of Acts in any way conflicting with the provisions of this Act are hereby repealed.

Sec. 7. This Act shall take effect and have full force of law from and after its passage.

Approved March 19, 1869.

Appendix (D).

A.D. 1869.

No. 186.

An Act to provide for the Appointment of a Land Commissioner, and to define his Powers and Duties.

Advisory Board.

Land Commissioner.

Bond.

Section 1. Be it enacted by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That the Advisory Board hereinafter created is hereby authorized and required to appoint a suitable person to be known as the Land Commissioner of the State of South Carolina; said Commissioner, before entering upon the duties of his office, shall execute to the people of the State of South Carolina a written undertaking, with good and sufficient surety, in the penal sum of twenty thousand dollars, for the faithful discharge of the duties of his office; said undertaking to be approved by the Advisory Board and filed in the office of the Secretary of State. His salary shall be at the rate of two thousand dollars per annum while on duty.

Term of office.

Sec. 2. That said Land Commissioner shall hold his office at the pleasure of the Advisory Board, and before entering upon the duties of his office shall take and subscribe the oath prescribed in the thirtieth Section of Article two of the Constitution, which oath shall be filed in the office of the Secretary of State.

The Advisory Board.

Sec. 3. That the Governor, Comptroller-General, State Treasurer, Secretary of State, and Attorney-General are hereby declared to be an Advisory Board to the Land Commissioner; and said Commissioner shall, in all the duties imposed upon him by the provisions of this Act, be governed by their instructions and advice.

Duty of the Commissioner.

Sec. 4. That it shall be the duty of the said Land Commissioner to purchase or cause to be purchased any lands in any portion of the State, improved or unimproved, at such price as the said Advisory Board may determine, not to exceed in the aggregate amount in any one fiscal year the par value of the public stock of this State created by the General Assembly for this purpose.

Treasurer authorized to issue bonds.

Sec. 5. The Treasurer of the State is hereby authorized and directed to issue to the Land Commissioner bonds of this State in the sum of two hundred thousand dollars,

with coupons attached, if in the opinion of the said Advisory Board so much be necessary, bearing six per cent. interest, the principal payable in twenty years at the Financial Agency of this State in the city of New York; the bonds to be signed by the Governor, countersigned by the Comptroller-General, and the coupons to be signed by the Treasurer of the State. The faith and credit of the State is hereby pledged to the payment of the principal and interest of said bonds, and a sufficient amount of taxes is hereby levied to pay the interest accruing on said bonds annually.

Lands to be sub-divided.

Sec. 6. All lands purchased by said Land Commissioner shall be sub-divided into sections, containing not less than twenty-five nor more than one hundred acres, to be sold to actual settlers, subject to the condition that one-half thereof shall be placed under cultivation within five years from the date of such purchase, and that the purchaser shall annually pay interest at the rate of six per cent. per annum upon any moneys remaining unpaid, and also all taxes imposed thereon by the authority of the United States or of this State. And in addition thereto, shall, in every year after the third from the date of said purchase, pay one-fifth of the principal. The title to said land shall remain in the State until the amount of said purchase shall be paid, principal and interest; but a certificate of such purchase shall be assignable at three years from date thereof: Provided, That in every case where a person purchases more than one section of fifty acres, they shall pay on such excess one-fourth cash, and the balance to be paid in equal annual instalments of one-fourth the amount of purchase each year: Provided, That no person shall be entitled to purchase, in his own name, or for his own use, more than one hundred acres.

Sold to actual settlers.

Terms.

Titles.

Limit of quantity

Receipts to be deposited.

Sec. 7. It shall be the duty of the said Land Commissioner to deposit with the Treasurer of the State all moneys collected by him as interest due upon the sale of said lands, which shall be used by the Treasurer of the State in the payment of the interest on the stocks and bonds of the State, issued for the purchase of said lands, and to invest in bonds of this State all moneys received by the Land Commissioner in payment for said lands as principal; said State bonds to be deposited with the Treasurer of the State, to constitute a sinking fund for the final payment and redemption of all stocks or bonds issued by the State for the purchase of said lands. The interest accruing on the bonds of the said sinking fund shall be applied to the payment of the interest upon the stocks or bonds of the State issued for the purchase of lands.

Invested.

Sinking fund.

Books and record

Sec. 8. The books and records of the office of the said Land Commissioner shall, at all times, be subject to the inspection of the Advisory Board, or any member thereof; and the said Land Commissioner shall annually make a detailed report of the transactions of his office to the General Assembly.

Annual report.

Sec. 9. The said Land Commissioner, in addition to the compensation hereinbefore prescribed, shall receive such fees as the Advisory Board may prescribe, not to exceed, in the aggregate for each title, the sum of ten dollars, the cost of all other papers included. Said fees, also mileage and per diem of the Land Commissioner, shall be paid out of the contingent fund of the State, to be paid by the Treasurer on the certificate of the Advisory Board. And the Land Commissioner shall be allowed such clerical assistance as may be authorized by the Advisory Board, which shall be paid in the same manner.

Fees.

Clerical assistanc

Commissioner stricted.

Sec. 10. The said Land Commissioner shall not purchase from or sell to the State any land, neither shall he engage in speculations in lands, either on his own account or as agent for other persons or corporations, and upon conviction thereof, for every such offence, shall be fined and imprisoned at the discretion of the Court.

Sec. 11. All Acts or parts of Acts inconsistent with this Act are hereby repealed.

Approved March 27, 1869.

No. 25.

Consul Archibald to the Earl of Clarendon.—(Received November 9.)

My Lord, *New York, October 29, 1869.*

IN compliance with instructions from Her Majesty's Minister at Washington, I have the honour to transmit, herewith inclosed, for your Lordship's information, a copy of a report made by me to Mr. Thornton, on the system of land occupation in the State of New York.

I have, &c.

(Signed) E. M. ARCHIBALD.

Inclosure in No. 8.

Report respecting the Tenure of Land in the State of New York.

Name of Country.—State of New York.
Population.—By the last census (1865) 3,831,000.
Religions.—Christian and Jewish.
Industrial Pursuits.—Agriculture, manufacture, and maritime pursuits.

LAND OCCUPATION.

Q. What is the system of land occupation; whether by (A) small proprietors; (B) tenants under proprietors, and sub-tenants under intermediate tenants holding from proprietors; and in what proportion do these several systems exist?—A. The system of land occupation in this State does not consist in a tenure by small proprietors, nor, with a few exceptions in certain counties, by tenants under proprietors. Of sub-tenants under intermediate tenants holding from proprietors there are none. By the constitution and laws of this State, the people of the State, in their right of sovereignty, are deemed to possess the original and ultimate property in and to all lands within the jurisdiction of the State, and all lands, the title to which shall fail from a defect of heirs, shall revert or escheat to the people. All lands within the State are declared to be allodial, so that, subject only to the liability to escheat, the entire and absolute property is vested in the owners, according to the nature of their respective estates. All feudal tenures of every description with all their incidents are abolished.

The whole of the lands within the State have been, from time to time, granted by the Dutch Government, by the Crown of England, and Colonial Governors, and, subsequently to the Revolution, by the Government of the State. With a few exceptions, to which I shall presently refer, the lands granted have been, for convenience of settlement and cultivation, allotted in uniform quantities of about 160 acres, laid off in regular sections and blocks. In this State farms comprising fewer than 100 acres are rare. There are, consequently, no small proprietors within the State; or, if any, too few to form a class such as that to which most of the queries under this head would be applicable. There is, therefore, properly speaking, no system of occupation by small proprietors upon which I can offer any useful observations within the scope of the queries.

Subject to these preliminary remarks I proceed to reply to the respective queries, so far as the same are applicable, as follows:—

(A.)—SMALL PROPRIETORS.

Q. 1. What quantity of land is usually held by each, and is it usually held together or intersected by other properties?—A. From 100 to 200 acres, in lots or parcels not intersected by other properties.

Q. 2. What is the law regulating the descent and division of landed property on death of owner?—A. The rules which govern the descent and division of landed property are briefly as follows:—Land or real estate of a proprietor dying intestate, by the laws of this State, descends, 1st, to his lineal descendants; 2nd, to his father; 3rd, to his mother; 4th, to collateral relatives, viz., lawful children and their descendants in equal degree, take in equal parts, however remote from the intestate the common degree of consanguinity may be. Children and their descendants take *per stirpes*. In case there be no lineal descendants the father takes, unless the estate came to the intestate on the part of the mother, and such mother be living. In this case, if the mother be dead, the father takes an estate for life, with reversion to brothers and sisters of intestate and their descendants. If there be no brother or sister or their descendants, then to the father in fee. On the other hand, in case there be no lineal descendants, and the father be dead, the estate descends to the mother for life, with reversion to the brothers and sisters of intestate and their descendants. If their be no brother or sister, or their descendants, then to the mother in fee. If there be no father or mother living then collaterals of equal degree take in equal degree, however remote. This rule applies to direct lineal descendants of every brother and sister to the remotest degree, descendants of deceased collaterals taking *per stirpes*. If there be none of these heirs living then the estate descends to the brothers and sisters of the intestate's father, in the same manner as if they had been brothers and sisters of the intestate, and their descendants. If there be no brothers or sisters of the intestate's father, or their descendants, then to the brothers and sisters of intestate's mother and their descendants. If, however, the estate came to intestate on the part of the mother, her brothers and sisters shall be preferred to those of the intestate's father. In case the estate came to intestate on the part of neither father or mother, then the brothers and sisters of both the father and mother take together in equal degree. In case of an illegitimate

intestate without lineal descendants, the estate goes to his mother; if she be dead, then to her relatives. Descendants of the half blood take equally with those of the whole blood, unless the inheritance was derived from some particular ancestor, then all those not of his blood shall be excluded. If any child of intestate have been advanced by him by settlement, or portion of real or personal estate, or both, the same shall be taken into account in distribution of estate; and if the value be equal or superior to the amount of the share of any such child in the real or personal estate, he shall be excluded from participation therein.

There are no tenures resembling the copyholds of England. The law in relation to dower is, with very few modifications, the same as the law of England in this respect.

Q. 3. What is the legal method used for the sale, transfer, exchange, or division of such properties, whether by distinct conveyance, or by a registry only, and what is the usual relative cost of same?—A. The conveyance and transfer of real estate in this State is by a simple form of deed of bargain and sale; if with covenants as to title, &c., it is called a warranty deed; if a mere conveyance of the grantor's interest it is termed a quit claim deed. Conveyance by feoffment with livery of seisin is abolished. A conveyance, however, by lease and release is legal, but very rarely used. An office for registry of deeds is kept in all counties of the State. Registration of deeds, although not compulsory, is invariably practised. Proof of the execution of deeds can be made within the State by acknowledgement of the parties executing, or proof by a witness before certain functionaries. If executed abroad, before certain named officers. Every conveyance, not recorded, shall be void as against any subsequent purchaser, in good faith, and for a valuable consideration, of the same estate, or any part thereof, whose conveyance shall be first duly recorded. Cost of deed is about 1*l.* to 2*l.*; of registration, 10*s.* to 20*s.* Estates can be divided by voluntary agreement, or by suit of partition commenced by any one party, or heir to an intestate, against the other, in any Court of Record in the State. The cost will depend upon the length of the proceedings. In the case of a number of heirs who cannot agree in reference to the division or disposition of real estate, to which they are entitled in common, the Supreme Court has power to direct a sale and distribution of the proceeds.

In reply to Queries 4 to 13 inclusive, I have to report that no special facilities are afforded for raising loans upon properties of any description, either from Government or special public companies (Query 4), or banks, aided by Government or otherwise.

That in this country the practice of mortgaging farms is very general, in part payment of the purchase, or in order to raise money for improvements.

5. The legal rate of interest in this State is 7 per cent., and laws against usury are in force. But borrowers on mortgage of land have not unfrequently to pay, indirectly, a higher rate of interest.

6. Mortgages are registered in the same manner as other conveyances.

8. Machinery is much employed as a substitute for, and in aid of manual labour. Female labour is not employed in agriculture.

The average daily wages of a farm labourer, who lives with his employer, which is the almost invariable usage, is about 3*s.* sterling. I am unable to ascertain what number of labourers to the acre are employed.

10. Proprietors live on their own properties with extremely rare exceptions.

(B.)—Tenants and Sub-Tenants under Landlords.

The occupation and cultivation of land by tenants and sub-tenants form an exception to the general usage in this State. The policy of the Government having been to encourage the holding of land in fee-simple, and the cultivation of it by the largest number of proprietors, there has, consequently, been but a very limited occupation by tenants, and that of a description to which the queries under this head are hardly applicable. I can, therefore, reply to these queries only in a general way.

Prior to the Revolution, and shortly after the independence of the United States, large tracts of land in this State were granted to private proprietors with the view, in some of the earlier cases, of encouraging immigration and settlement; and, later, as rewards for public or military services. Portions of some of these tracts were leased to settlers for terms of 999 years, on the annual payment of small sums, or the yearly delivery of a stipulated quantity of grain or other produce, and in certain cases the performing of a number of days' labour.

This was, and still is, the nature of the tenancy of the Van Rensalaer and Livingstone Estates, and of one or two other similar grants. The quantity of land, however, held under lease has in almost all cases exceeded 100 acres, forming large and profitable farms. The produce and labour rents have been to a great extent, if not now, indeed, in all cases, commuted for a fixed money-rent; but the payment of this rent has, not unfrequently,

been resisted by the tenants, having led, on some occasions, to serious disturbances notwithstanding it bears a very small proportion or per-centage to the present improved and actual value of the farms.

The improvements have all been made by the tenants at their own cost. The landlords have, of late years, striven to induce the tenants to capitalize and purchase the rental, and thereby convert their tenure into a fee-simple. But the quit-rents payable are so small that the tenants are, for the most part, content to continue tenants for a term practically equal to a fee-simple.

It was, I believe, owing to the occurrence of the anti-rent disturbances that an article was introduced into the revised Constitution of this State (Section 14 of Article 1), which provides that "No lease or grant of agricultural land for a longer period that twelve years, hereafter made, in which shall be reserved any rent or service of any kind, shall be valid."

There are, besides the estates of the above description, two large estates or tracts of land,—those of General Wadsworth and Mr. George Clark, in the western part of this State,—large portions of which are occupied as farms by tenants for short terms of years at fair annual rents; but of the conditions of the tenure I am not informed. The quantity of land held by each tenant is in each case, however, sufficient to form a large farm of a class different from that to which the queries refer.

There is no law or usage in this State regulating the rights of landlords and tenants in regard to improvements made by an outgoing tenant. This, and all other incidents of the tenancy, are matters of express stipulation between the parties, and vary in different cases.

In regard to eviction, whenever the right of re-entry by the landlord is reserved or given by grant or lease, in default of a sufficiency of goods and chattels (a clause generally inserted in leases) the landlord, on giving fifteen days' notice may re-enter, notwithstanding there may be a sufficiency of goods and chattels to satisfy the rent. Tenants overholding, after notice from themselves, are liable to pay double rent.

These general observations in reference to the occupation of land in the State of New York are substantially applicable to the tenure of land in the neighbouring States.

(Signed) E. M. ARCHIBALD,
Her Majesty's Consul, New York.

No. 26.

Consul Booker to the Earl of Clarendon.—(Received November 19.)

My Lord, *San Francisco, October 28, 1869.*

I HAVE received from Mr. Thornton a despatch inclosing a copy of your Lordship's circular, with its accompanying queries, of the 26th August, in reference to the tenure of land, and instructing me to prepare a report on the subject for transmission to your Lordship as soon as possible, which I have now the honour of submitting.

The policy of the United States has always been to prevent as far as possible the concentration of landed property, and to encourage proprietorship by the masses; hence the pre-emption law which enables any person who is a citizen, or has declared his intention to become one, to secure 160 acres of land by settling in person on it, at the lowest Government price; and as a step in the same direction this State will not recognize leases granted for a longer term than ten years.

California differs from most of the States of the Union, in having come into the possession of the United States with a large portion of its lands already owned. At its cession one-ninth part, or about 11,000,000 acres, were held by some 650 persons and families, under grants from the Spanish and Mexican (almost all the latter) Governments, and of course the best agricultural and grazing lands were comprised in these grants. In addition to the concentration of lands by these donations, there have been other great consolidations by the law permitting United States' lands to be covered in any quantity by agricultural college, school, military bounty, half-breed, and other land warrants, and also by the vast grants from the United States to the different railroad companies; the Central and Western Pacific Companies, forming part of the great Continental Road, having received 20 alternate sections, or 12,800 acres per mile, making in all to these two companies alone over 3,000,000 acres in this State; another road, the "Southern Pacific," has a grant of 10 alternate sections per mile, and other projected lines expect to receive similar concessions.

Comparatively few of the original proprietors of Mexican grants retain their possessions, and almost all the grants in the northern and central portions of the State, in

which there was a fair portion of land suitable for agriculture, have been divided up. The Mexican proprietor, whose previous life had been one of the utmost simplicity, was totally unable to take care of his property when surrounded by eager money-seeking and, in many instances, not over scrupulous adventurers; he found himself involved in the intricacies of law to enable him to acquire a title from the United States, to do which he had to establish his claims to the satisfaction of Commissioners appointed for the purpose, from whose decisions there were appeals to successively the District, Circuit, and Supreme Courts; his lands were "squatted" upon by the early immigrants from the Western States, who ignored altogether his claim, and combined together to throw every obstacle in the way of his proving the genuineness of his title; hence he saw his possessions pass away under expenses which compelled him to sell, or take the initiative in that direction by borrowing at the ruinously high rate of interest then existing; so protracted have been the law proceedings, that up to this day there are many claims to be finally adjudicated upon, but of these, as may well be supposed, very few ren ain in original hands.

The action of the "squatters," however adverse it might have been to the interest of the owners of the soil, was really of benefit to the State, as it was the cause of the division of much land that would otherwise have remained concentrated, and allowed to be untilled or used only for grazing. It is not to be assumed that although much good land is now in comparatively few hands that it will continue so for any length of time, as it is not held by persons who wish to be regarded as large landed proprietors, but simply as a matter of business or speculation; and as the pecuniary condition of the industrial classes in this State is so far above that of the working population of the other States, they can afford to pay for land a price above that charged by the United States' Government to pre-emptionists—1 dollar 25 cents currency an acre. The facilities granted to lessees by many proprietors, in letting the land on shares, in the way described in my answer to Question No. 1, under the heading of "Rent," gives the opportunity to almost any agricultural settler to commence farming at once on arrival, and he cannot fail, if he possess ordinary industry, to speedily acquire capital sufficient to enable him to purchase a farm for himself.

The single, or even married man, can also by the labour of his own hands soon possess himself of the means to procure a farm.

In illustration of my remarks as to the pecuniary condition of the industrial classes, I may mention that in eleven savings' banks—eight in San Francisco and three in other towns—the deposits amounted on the 1st July last to 5,321,614*l.*, on account of 33,749 depositors, being an average of 153*l.* to each depositor; and that the current rates of wages are as follows:—

Farm labourers	5*l.* to 6*l.* per month when engaged for the year round, with board.
	8*l.* to 11*l.* during ploughing and harvest season, with board.
	8*s.* to 10*s.* per day during harvest season, with board.
Labourers in cities	8*s.* per day, without board.
	6*l.* per month, with board.
Labourers on railroads in the mountains .	9*s.* to 10*s.* per day, without board.
Men and wives when engaged together ..	10*l.* to 14*l.* per month, with board.
Miners	12*s.* to 13*s.* per day, without board.
Carpenters, house	12*s.* to 16*s.*, ditto.
Ditto, ship	16*s.* to 20*s.*, ditto.
Blacksmiths	12*s.* to 16*s.*, ditto.
Gardeners	8*l.* to 10*l.* per month, with board.
Hod carriers	10*s.* per day, without board.
Porters	6*l.* to 9*l.* per month, with board.
	12*l.* to 14*l.* per month, without board.

The area of land in California is estimated at about 100,000,000 acres, of which, perhaps, 20,000,000 to 25,000,000 may be classed as fair agricultural land, 35,000,000 to 40,000,000 are adapted to grazing, and the remainder consists of rugged mountains and barren land.

It is estimated that not more than 2,500,000 acres will be put under cultivation the coming season, so we must have a vastly increased population before the settler will have any difficulty in securing land at a reasonable price.

There are no, what may be termed, small proprietors in the State, few, except among the vine-growers, occupying less than 80 acres, and in some districts the farms range from 400 to 800 acres.

To take the State through, there is not more than one farm in ten where stock-raising is combined with farming: in some of the localities where farming has been carried on for years, one-sixth of the land on the average is reserved for grazing the few horses kept for farm work and a few cows for dairy purposes. In the mountain valleys horse and

cattle raising is frequently carried on as an adjunct to grain growing, the hills affording pasture for the animals, but, generally speaking, stock raising and dairy farming are conducted as a business by themselves.

Machinery is employed altogether. Where the land permits gang ploughs, consisting of two, three, and even four shares are used, and on very light soil the plough carries the seed, and distributes it in front of the shares. The grain is cut by a beading- or reaping-machine, and threshed on the ground, where it is bagged and left till sent to market or the rainy season commences.

There is not, on an average, one labourer permanently employed to the hundred acres. During the ploughing and harvest seasons the farmers find hands, chiefly Irish, who at other times work about the cities and towns. During the harvest sailors desert their ships at this port in considerable numbers, and turn themselves into agricultural labourers; and of late a great many Chinamen have been employed on farms, and make excellent labourers and household servants.

The population of the State probably amounts to 550,000 persons, of which I estimate 35,000 to 40,000 are engaged in mining, 10,000 to 12,000 in farming, and 23,000 to 24,000 as agricultural labourers. Few are idle, probably less than any other part of the world. The rainy season usually commences in the latter part of October, and terminates in April or May; during the interval it is rarely that there is even a shower.

I have collected the information given with as much care as possible, but this State is so destitute of reliable statistical records that it is impossible to answer many of the questions with the exactness I should wish; and, I fear, any information about this State will have little interest in connection with the subject which has called forth the inquiry. The queries submitted with the answers thereto are annexed to this Report.

I have, &c.

(Signed) WM. SAM. BOOKER.

Inclosure in No. 26.

Report on the Tenure of Land in the State of San Francisco.

Name of country.—California.
Population.—Estimated at 550,000.
Religions,—Mainly Protestant, Roman Catholic, and Hebrew.
Industrial pursuits.—Mining, agriculture, and mechanical.

Land Occupation.

By ownership and tenancy. There are no what may be termed small proprietors in this State, few holding less than 80 acres. There are no statistical records as to the proportions of those farming their own land, or as tenants. Sub-tenants are very rarely to be met with.

(A.)—Small Proprietors.

1. As before stated, few hold less than 80 acres, sometimes held together, but as often intersected by other properties.

2. When any person having title to any estate, not otherwise limited by marriage contract, shall die intestate as to such estate, it shall descend and be distributed, subject to the payment of his or her debts, in the following manner (a wife can hold property in this State):—

1st. If there be a surviving husband or wife, and only one child, or the lawful issue of one child, in equal shares to the surviving husband or wife and child, or issue of such child. If there be a surviving husband or wife and more than one child, or one child living and the lawful issue of one or more deceased children, one-third to the surviving husband or wife, and the remainder in equal shares to his or her children, and to the lawful issue of any deceased child by right of representation. If there be no child of the intestate living at his or her death, one-half to the surviving husband or wife, and the remainder to all of his or her lineal descendants; and if all the said descendants are in the same degree of kindred to the intestate they shall share equally, otherwise they shall take according to the right of representation.

2ndly. If he or she shall leave no issue, the estate shall go in shares (equal) to the surviving husband or wife, and to the intestate's father. If there be no father, then one-half shall go in equal shares to the brothers and sisters of the intestate, and to the children of any deceased brother or sister by right of representation, provided that if he or

she shall leave a mother also, she shall take an equal share with the brothers and sisters. If he or she shall leave no issue, or husband, or wife, the estate shall go to his or her father.

3rdly. If there be no issue, nor husband, nor wife, nor father, then equal shares to the brothers and sisters of the intestate, and to the children of any deceased brother or sister by right of representation, provided that if he or she shall leave a mother also, she shall take an equal share with the brothers and sisters.

4thly. If the intestate shall leave no issue, nor husband, nor wife, nor father, and no brother or sister living at his or her death, the estate shall go to his or her mother, to the exclusion of the issue, if any, of deceased brothers or sisters.

5thly. If the intestate shall leave a surviving husband or wife, and no issue, and no father, mother, brother or sister, the whole estate shall go to the surviving husband or wife.

6thly. If the intestate shall leave no issue, nor husband, nor wife, and no father, mother, brother, or sister, the estate shall go to the next of kin in equal degree, excepting that when there are two or more collateral kindred in equal degree, but claiming through different ancestors, those who claimed through the nearest ancestors shall be preferred to those claiming through an ancestor more remote; provided, however,

7thly. If any person shall die leaving several children, or leaving one child and the issue of one or more other children, and any such surviving child shall die under age, and not having been married, all the estate that came to the deceased child by inheritance from such deceased parent shall descend in equal shares to the other children of the same parent, and to the issue of any such other children who shall have died, by right of representation.

8thly. If at the death of such child who shall die under age, and not having been married, all the other children of his said parents shall also be dead, and any of them shall have left issue, the estate that came to such child by inheritance from his said parent shall descend to all the issue of other children of the same parent; and if all the same issue are in the same degree of kindred to said child, they shall share the said estate equally, otherwise they shall take according to the right of representation.

9thly. If the intestate shall leave no husband, nor wife, nor kindred, the estate shall escheat to the State for the support of the common schools. There is no dower or curtesy under the laws of this State. The common property, which is all that is acquired by either husband or wife after marriage, except by gift, bequest, or devise, goes to the surviving husband on the death of his wife; but on the death of the husband one-half of the common property goes to the wife, and this he cannot deprive her of by will, although during life he is allowed to convey it. The degrees of kindred shall be computed according to the rules of the civil law, and kindred of the half blood shall inherit equally with the one of the whole blood in the same degree, unless the inheritance came to the intestate by descent, devise, or gift of some one of his ancestors, in which case all those who are not of the blood of such ancestors shall be excluded from such inheritance.

3. By distinct conveyances, costing from 1*l.* to 10*l.*

4. There are no special facilities.

5. Properties are not generally mortgaged, except for the first two or three years after purchase, sale being most frequently made for payment in instalments covering two, three, or four years, seller protected by a mortgage, and interest charged at the rate of 10 to 12 per cent. per annum.

6. Deeds and mortgages are recorded in the County Recorder's Office; the made adopted being to leave an exact copy taken of the instrument; the cost of recording a deed of average length, say six folios of 100 words each, is 16*s.*

7. Chiefly grain; up to the present time no attention has been turned to the rotation of crops, and already much land, which ten or fifteen years ago yielded thirty-five to forty bushels of wheat per acre, has, from repeated wheat crops, become so impoverished as to yield only twelve to fifteen bushels. There is almost always an export demand for wheat, and as the land under cultivation with grain yields far more than is required for home consumption, everyone whose farm has been within transit distance of San Francisco, has been anxious to raise the grain more generally wanted for export, hence the succession of wheat crops. Farming hitherto has been conducted in the most careless way, no one apparently looking to the future. Stock raising on small properties is confined mainly to dairy farming, and rarely more than one-sixth of a farm is reserved for grazing.

8. Machinery is employed; the land if light is ploughed with the gang-plough; (no steam-ploughs are used) the grain is cut with a reaping or beading machine and threshed on the ground by a machine.

Very few hired labourers are employed permanently, probably not one to the hundred

acres; during the ploughing and harvest season the Irish, and lately Chinamen, from the different cities and towns engage themselves as farming hands.

There are no female agricultural labourers; males permanently employed receive 5*l.* and 6*l.* per month and board; those engaged during ploughing and harvest time receive 8*l.* to 11*l.* per month; they invariably live with the employers

9. No.

10. They almost invariably live on their properties.

11. They are well housed, well fed, and well clad, and are generally prosperous; the emigrants from the Eastern States of the Union live comfortably and often luxuriantly; the majority of those from the Western States, are less particular as to their mode of living, especially the Irish Americans.

12. There are no small proprietors such as are referred to in this question, and there are no statistics of any value to refer to in reference to the increase of population.

13. I have answered the foregoing questions, although they are not put in reference to such proprietors as are to be found in California. Public opinion is in favour of the laws and customs in regard to land, but it is beginning to see the fallacy of the present careless mode of farming.

(B.)—Tenants and Sub-Tenants under Landlords.

Tenure.

1. Scarcely ever less than 80 acres—frequently as much as 600 and 800.

2. The land is generally leased from year to year, and usually without any conditions as to the nature of crops, &c. No lease of agricultural lands can be made for a longer term than ten years. Sub-tenancies are allowed without the consent of the landlord to the assignment, unless specially provided against in the lease.

3. By written agreement; in its absence the law would regard it as a tenancy for one year.

4. An agreement or lease should be registered at the County Recorder's Office.

5. No.

6. The tenant has a legal right, unless the lease contains a special clause to the contrary.

Rent.

1. Frequently by share in the produce, varying according to circumstances. In some parts of the State one-fourth of the produce is given on the ground, or one-fifth in bags, delivered at the nearest shipping port or railway station; sometimes the landlord supplies seed, ploughs, reaping and threshing machines, in fact everything but labour and horses, and divides the crop with the tenant. Rent varies from 4*s.* to 2*l.* per acre.

2. Rent is regulated neither by custom, valuation, or competition, simply by mutual arrangement between landlord and tenant. Rent is usually paid yearly, and there is no hanging gale.

3. Yes, the landlord has an unlimited power as to rent, but he can only evict upon decree of judgment of a proper court.

4. The law gives the landlord no preference over other creditors for his rent, his remedy is to sue in the County Court for possession as well as for the rent due, and the latter may, in the discretion of the Court, be trebled. The landlord may waive recovery of possession and sue as for an ordinary debt, and attach the property of defendant (tenant).

Evictions.

1. When rent remains unpaid three days the landlord serves a written demand requiring possession of the premises in three days, and if not then surrendered he can issue summons from County Court, to which tenant has ten days to answer; the summons is founded upon a verified complaint; if no answer be made he is entitled to judgment forthwith, if answered, either party has a right to demand a jury trial. There is no time to redeem allowed.

2. No.

Improvements.

1. Generally by the landlord.

2. Tenants have a right to remove buildings erected by them, not affixed to the building, before the expiration of the lease unless there has been a forfeiture or re-entry for

covenants broken. Division fences between fields, if erected by tenant, can be removed also before expiration of lease, but fences dividing properties cannot be removed by tenant; these, however, are invariably erected by the owner of the land.

3. The landlord has a legal right to improvements made by the tenant if they are not removed before he resumes possession.

4. There is no right in the tenant.

5. No.

Miscellaneous.

1. Friendly. Tenants are generally satisfied with the existing laws.

2. The tenants, not having hitherto been restricted from growing whatever they deemed likely to bring them the best return, have sown grain year after year, as described more particularly in my answer No. 7, under the head of "Small Proprietors." The pre-emption law of the United States gives every person, being the head of a family, or widow, or single man over the age of 21 years, and being a citizen of the United States, or having filed his declaration of intention to become one, the privilege to take up 160 acres of unoccupied Government land, on which he has, or shall erect, a dwelling-house, paying, therefore, on the survey being completed, 1 dollar 25 cents currency per acre, and the Irish and German Americans who engage in farming, generally take advantage of this law but many of the American settlers who have not the means to buy a high priced farm, especially those from the eastern portion of the Union, prefer to lease in a desirable locality, to purchasing or locating in a less advantageous position. There is no material difference in any respect between the tenant farmer and the proprietor; but the Irish and German smaller proprietors do not probably live so comfortably as the larger tenant farmers.

3. I have no statistics to refer to on this subject.

4. No.

5. The community generally are perfectly satisfied with existing laws and customs.

6. No.

7. There is no limitation of proprietary rights. No lease of agricultural lands is binding for a longer term than ten years.

8. The public, as I have before stated, are satisfied with existing laws and customs.

9. The policy of the United States has always been to prevent as much as possible the concentration of landed property, and the pre-emption law has greatly facilitated the division amongst the masses; the laws of this State restricting leases to ten years was passed with a view of encouraging settlers to become proprietors, although its action up to the present time has had little or no effect; but as the population becomes more settled and established it will no doubt be found to work advantageously in the direction aimed at.

10. No, but every agriculturalist is anxious to become a proprietor, and in leasing land he always looks forward to the time when he can own such a farm as he desires.

11. The United States' Government has given to this State land for school and other purposes, and the warrants for this land, as well as for land given to the soldiers of the different wars, half-breeds, &c., can be located in any quantity on unoccupied land in this State. Government lands, after having been offered at auction in quarter sections and not sold, can be purchased of the Government for 1 dollar 25 cents currency per acre in any quantity.

12. No.

(Signed) WM. SAM. BOOKER, *Consul.*

No. 27.

Consul Cridland to the Earl of Clarendon.—(Received November 24.)

My Lord, *Mobile, November 8, 1869.*

ACCORDING to the instructions contained in a despatch from Her Majesty's Minister at Washington, and received by me on the 18th ultimo, requesting that I would make a Report on the tenure of land as far as this Consular district is concerned, and transmit the same to your Lordship, I have now the honour to forward the Report in question; which I have made according to the best information I could obtain in answer to the questions transmitted from your Lordship's Department.

The fact that no census has been taken in the United States since 1860, has made it very difficult, and sometimes impossible, to answer some of the questions, and I trust that due allowance will be made in consequence.

I have, &c.
(Signed) F. J. CRIDLAND.

Inclosure in No. 27.

Report on the Tenure of Land in the States of Alabama and Florida.

Name of country.—The State of Alabama.
Population.—By census of 1860, 964,201.
Religions.—Methodists, Baptists, Presbyterians, Catholics, Episcopalians, and other denominations, including Jews and Lutherans.
Industrial pursuits.—Chiefly agricultural. There are some engaged in commercial pursuits, some in manufacturing, some in mining, some in getting turpentine and naval stores, some in getting lumber, and other occupations, but the great bulk of the people are engaged in agriculture.

Land Occupation.

Much the greater portion of the land in this State is held by proprietors, in fee-simple, under grants from the Government and subsequent conveyance by deed. Most of the agricultural lands are occupied by the proprietors in tracts of considerable size, verging from 80 acres to 3,000; some tracts being less than 80, and some more than 3,000 acres. There are comparatively few small proprietors, and few tenants under proprietors, of agricultural lands. Sub-tenants under intermediate tenants are rarely found, if ever. I know of none such. In cities and towns much of the land is owned by proprietors, and occupied by tenants under leases, generally for a term of one year, or from year to year, on such terms and conditions as may be agreed on between landlord and tenant. I have no information which would enable me to state the numerical proportion between proprietors and tenants. I can only state in general terms that, in the rural districts, much the larger portion of lands are occupied by proprietors. In the larger cities and towns most of the houses are occupied by tenants: in the smaller towns, and in the villages, by proprietors and tenants in nearly equal proportions.

(A.)—Small Proprietors.

1. The quantity held by each varies so widely, that no particular number of acres can be fixed upon with any degree of certainty as an average. In the rural districts, but few tracts are less than 80 acres (half of a quarter section). A section of land (640 acres), is probably about the average quantity of a plantation or farm.

2. A proprietor owning a fee-simple estate in lands, or any estate extending beyond his or her own life, may devise his or her land by will duly executed to any person, subject however to the widow's dower, if there be a widow. In case of intestacy lands descend (subject to dower) to the heirs of the intestate. The heirs are:—

1st. Children, or their descendants, equally, without regard to sex or age.

2ndly. If no children or their descendants, then to brothers and sisters, or their descendants, in equal parts.

3rdly. If no brothers or sisters or their descendants, then to the father if living, if not to the mother.

4thly. If there be none of the foregoing then to the next of kin, in equal degree, in equal parts.

5thly. If no kindred, then to the surviving husband or wife, if any, or, if none, then the land escheats.

Lineal descendants take *pro stirpes*.

There is no representation among collaterals.

Aliens cannot take lands by inheritance.

3. The usual legal method of conveyance is by deed, by distinct conveyances, and not by a registry only. The law provides for the registration of deeds for land, and they are usually registered. Such registration is not necessary to prove the title from the vendor to the

purchaser, but it is necessary to protect the purchaser against subsequent *bonâ fide* purchasers or incumbrances from the vendor without notice. Deeds are now required to be stamped, and moderate fees are required for probate and registration. The amount of stamp tax depends on the value of the land, and the registration fee on the length of the deed.

The United States' internal revenue tax on a deed of conveyance of land, when the consideration does not exceed 500 dollars, is 50 cents (present exchange 1*s.* 7*d.*), and 50 cents for each additional 500 dollars. The Probate Court registration fee is 20 cents per 100 words, or 7½*d.*, and a charge of 1 dollar is made by the clerk for his certificate (3*s.* 2*d.* sterling).

4. There are none.

5. They are not generally heavily mortgaged. The usual and legal rate of interest is 8 per cent. per annum.

6. When mortgages are given on land they are either (first) acknowledged by the mortgager before some officer authorized to take such acknowledgments, or (secondly) executed in presence of two attesting witnesses, one or both of whom must prove the execution before a proper officer. The officer then certifies the acknowledgment or proof, and the mortgage so certified is recorded in the office of the Probate Court of the county in which the lands lie; such registration is not necessary to give validity to the mortgage as between mortgager and mortgagee, but it is necessary to protect the mortgagee against subsequent *bonâ fide* purchasers or incumbrances without notice. Some mortgages contain a power of sale to the mortgagee. Under such mortgages, in case of default, the mortgagee may sell in pursuance of the power without any previous suit. If the mortgage does not contain a power of sale, the mortgagee can enforce his lien only by a decree of foreclosure in a Court of Chancery. The cost of registering a mortgage is the same as an absolute deed. The costs of a suit for foreclosure (exclusive of the solicitor's fee) are, in uncontested cases, about 30 dollars, or 4*l.* 16*s.* 6*d.* sterling.

7. The principal crops are cotton and maize (or Indian corn). There is but little rotation in crops. Good cotton lands are cultivated many years in succession in cotton, sometimes twenty years or more without intermission. The general mode of cultivation is by the plough and hoe. Comparatively but little stock is raised in this State. Before the late war many planters and farmers raised their own cows, hogs, and sheep, for the use of their families and slaves. Since the late war, and the consequent emancipation of the negroes, the freed negroes steal and kill hogs, sheep, and even cows, so extensively, that few now attempt to raise much stock. They rely for stock and meat mostly on the Western States. There is very little grass land.

8. But little machinery is used or employed except the cotton gin.

Since the late war and the emancipation of the slaves, the planting and agricultural labour is mostly done by hired labourers, the former slaves, and many hired labourers are employed. The average would be about one labourer to every ten acres cultivated. Before the war the ablebodied adult females—slaves, on plantations and farms were extensively employed in agricultural labour. Since the war some of the negro women are still so employed, but to a much less extent than formerly.

Agricultural labourers generally live with their employer, and are furnished by him with food, lodging, and fuel. Most generally they work for a stipulated portion of the crop of cotton or corn raised. If the planter furnishes the labourer with food, at his own cost, the labourer generally receives one-fourth of the crop. If the labourers furnish their own food they generally receive one-third of the crop. Where they work for a part of the crop, and many work on the same plantation (as is generally the case), their portion of the crop, or its proceeds, is divided between them equitably, in proportions agreed on, according to the labouring capacity of each. In some cases money wages are paid—first-class receiving from 12 dollars to 15 dollars per month; women from 7 dollars to 8 dollars per month. The paper dollar is worth now 3*s.* 2*d.*

9. The agricultural labourers may move from plantation to plantation, but they seldom or ever leave the State.

10. Proprietors generally live on their properties.

11. The proprietors generally are well housed, fed, and clad, and live abundantly and well. Some of them are gentlemen of large fortune, some are deeply involved in debt, but generally they are in good circumstances.

12. I can gain no information, and I can find no statistics which would enable me to answer this question.

13. The prevalent opinion is, that the existing system of agricultural labour by hired free negroes is a very bad one, and that free negro labour is very unreliable. There is a general anxiety to get some substitute, either white labourers, or even Chinese.

(B).—Tenants and Sub-Tenants under Landlords.

Tenure.

1. The quantity varies so much that no precise answer can be given to this question. Comparatively little agricultural land is held by tenants. A person renting such land generally rents the whole farm, or plantation of the proprietor.

2. Agricultural lands, when rented at all, are generally rented for one year, and by lease, on such terms as may be agreed on. Sometimes the landlord receives at the end of the year a stipulated portion of the crop, or a stipulated number of bales of cotton as rent. Sometimes a stipulated sum of money, generally payable at the end of the year. The tenancies are not generally assignable without the consent of the landlord.

3. By contract—sometimes by parol, but more generally by written lease. When there is no agreement the law presumes it as a tenancy for a year.

4. There is not.

5. There is no such law or custom in Alabama.

6. Most leases contain a provision that a tenant shall not transfer his interest or underlet the premises without the consent of the landlord. In such cases he may sell or underlet with the landlord's consent, but not without it. In the absence of any such provision he may sell or underlet without the landlord's consent.

Rent.

1. In cities and towns rent is generally payable quarterly by a fixed amount of money. In agricultural lands the rent is payable sometimes in a fixed amount in money, but in many cases it is payable in kind, either by a stipulated number of bales of cotton, or a stipulated portion of the crop.

2. The rent is regulated by competition and contract, and not by custom or valuation. Rents in towns are generally payable quarterly. Agricultural rents are generally payable at the expiration of the year. There is no hanging gale.

3. Whenever the term expires or is forfeited, the landlord has unlimited power to raise the rent. Most leases contain provisions for forfeiture for non-payment of rent, or breach of covenant. In case of forfeiture the landlord may re-enter and evict the tenant.

For rent in arrear the landlord may sue in the ordinary mode for recovering any other debt, or upon making oath to the amount due, and giving a bond with security to indemnify the tenant if an attachment is wrongfully sued out, he may attach the goods of the tenant on the premises. The law gives him a lien for rent on the crop raised on the premises in preference to other creditors.

Evictions.

1. When the term expires or is forfeited the tenant is bound to surrender the premises to his landlord on demand. If he fails or refuses to do so and wrongfully holds over, the law gives the landlord a summary remedy to recover possession. This remedy is created and governed by statute, and is called a Process of Unlawful Detainer. The case is tried in a summary way before any Justice of the Peace in the county. Notice must be served on the tenant at least six days before the time of trial, and he is allowed to appear and resist a judgment as in any other suit. No time of redemption is allowed, but either party after judgment. may appeal to a higher Court. The landlord may pursue the slower and more expensive remedy by ejectment.

2. Such evictions are not frequent.

Improvements.

1. By the landlord almost inevitably, except under a building lease, and such leases are very rare.

2. If such a thing as a tenant's making permanent or valuable improvements on agricultural land should occur, he would have no other security for them but such as he might stipulate for in his lease. In actual practice the tenant rents planting- or farming-lands only for a year, and never improves the land either by building, fencing, ditching, drainage, manuring, or otherwise. So no contests ever arise about improvements by tenants for the reason that none are made. The landlord is very fortunate if he gets back his land in as good condition as when he rented it.

3. Yes, if the case should ever occur, that there were improvements. The laws of Alabama do not recognize any right in the tenant to improvements if made by him.

4. The tenant has no right to permanent improvements, unless he has stipulated for compensation by his contract of renting. If he has so stipulated, he may recover the value of his improvements by a suit at law.

5. Tenants never wish to make such improvements, and, of course, never want loans for any such purpose.

Miscellaneous.

1. Very friendly. No legislative interference is required for the protection of the tenant.

2. Tenants generally cultivate in the same manner as proprietors. White tenants are generally fully equal to proprietors (large or small) in skill in cultivation. They employ labour in the same way. In their mode and standard of living, in character and independence of thought and action they are not inferior to proprietors (large or small). Some are solvent, others insolvent. If insolvent, the landlord either requires their promissory notes with surety for the rent, or he trusts to their skill, industry, and honesty, backed by the lien which the law gives on the crop made for payment of rent. The white tenant is frequently the equal, and sometimes the superior of his landlord in fortune, education, and social rank.

3. I have no data or information on which I could answer this question.

4. They do not, more than proprietors.

5. From the best information I believe that generally the white inhabitants of this State are satisfied with the laws regulating the tenure of land. The negro, however, is dissatisfied, and thinks that his race having cultivated the plantations of Alabama for half a century, that he should now divide the land equally with the white proprietor, or be paid for all the work he performed when he was a slave.

6. It has not.

7. Nothing of this kind has occurred.

8. As there is no such system, there is no opinion about it.

9. The United States' Government sells its public lands to settlers in small tracts and on favourable terms. Neither the United States nor the State Government has any system for compelling private proprietors to sell their lands.

10. They do not.

11. In case of intestacy, the law provides that land shall descend to all the children of the deceased equally. There is no right of primogeniture. This, no doubt, tends to some extent to favour the disperson of land and prevent its accumulation. I know of no other provision of law bearing on this question.

Copyhold.

1. There is no such tenure or copyhold in this State, nor anything analogous to it.

The State of Florida by the census of 1860 had a population of 140,425, and the laws regulating the tenure of land are the same as those now in force in Alabama.

(Signed) F. J. CRIDLAND.

Mobile, November 8, 1869.

No. 28.

Consul Smith to the Earl of Clarendon.—(Received November 27.)

My Lord, *Savannah, November* 11, 1869.

IN compliance with instructions which I recently received from Her Majesty's Minister at Washington, I do myself the honour to transmit herewith, for your Lordship's information, a Report which I have drawn up upon the tenure of land within the State of Georgia.

I have, &c.

(Signed) WM. TASKER SMITH.

Inclosure in No. 28.

Report on the Tenure of Land in the State of Georgia, United States.

THE population of Georgia may be taken to be 600,000 souls; no census, however, has been made since the last war, but this estimate is believed to be correct.

The religions professed are chiefly Presbyterian, Episcopalian, Methodist, Roman Catholic, Baptist.

The industrial pursuits are chiefly agricultural, *i.e.*, cotton and rice cultivation, and raising cereals. There is also an active industry connected with timber heaving and preparing lumber.

Land Occupation and Small Proprietors.

The tenure of lands in Georgia is the same as that in England, except that there is no entailment, and no joint tenancy.

The law forbids the sub-letting of property without the consent of the landlord. The small farmers of Georgia usually hold a lot of 40 acres, but they frequently hold a much larger amount, land being cheap.

On the death of the owner the widow is entitled to dower for her life; the landed estate is distributed among the children, and if no children, then among the nearest of kin.

Lands are conveyed by distinct deed; the costs depend on the value of the property and the charges of the conveyancer.

Government affords no facilities for raising money on private lands. The terms of raising money depend on the parties themselves, and the loan is usually secured by mortgage. Each head of a family can have placed aside realty to the value of 2,000 dollars in gold, which is exempt from levy and sale.

It is difficult to say as to how far the lands in Georgia are mortgaged. The legal rate of interest is 7 per cent.

All mortgages and other deeds are registered in the offices of the clerks of the several Superior Courts of the several counties of the State where *the land lies*. The fees for recording are 50 cents, provided that there are not more than 300 words in the instrument; if more than 300, 15 cents for every 100 words over. The costs of foreclosing a mortgage depend upon circumstances, ranging from 8 dollars upwards.

The crops raised in Georgia consist of rice, cotton, maize, wheat, pulse of various kinds, sweet and Irish potatoes, pumpkins, and a small quantity of tobacco. On rice lands crops are often planted year by year, with the occasional rest of portions of the land. On these lands there is not much rotation, but on cotton and maize lands there is almost always an annual rotation.

Stock are raised, and run about at large in the woods during the day, and are penned in at night. Grass lands are not in existence, but tillage lands are of far more value than the pasture or wood lands.

Up to lately machinery was not used, but it is now coming into vogue in a great measure. Labourers are in great request. From 5 to 10 acres to the hand is the work generally allotted. Female labour is not adopted to a large extent. 10 to 12 dollars are the wages paid to men, and 8 to 10 dollars are paid to women, per mensem. Day labourers receive about 50 cents per diem.

There is no emigration.

In the south of Georgia proprietors generally live in small towns and villages, but in the north and middle of Georgia they reside on their properties.

Tenants and Sub-Tenants under Landlords.

Rent, Evictions, &c.

The quantity of land held in Georgia is usually 40 acres in some parts, and 160 in others.

The nature of the tenure is usually fee-simple. Sub-tenancies are not assignable except with the written consent of the landlord.

Tenancies are created either by parole or written agreement, but if the tenancy is for more than three years the agreement must be written, the Statute of Frauds being in force in Georgia. When there is no agreement as to duration, the law presumes it to be a tenancy from year to year.

There is no particular system as to the registry of all written agreements, but any

written instrument may be recorded at the clerk's office above described,* if the parties so desire.

A tenant has no right to remain in occupation of his holding after the expiration of his lease; if there be no specified termination of the lease it is a tenancy from year to year, and the law requires either party who should desire to terminate the tenancy to give the other three months' notice in writing previous to the end of the year.

A tenant has no right to sell his interest in lands which he holds under lease.

Payment of rent may be made either in money or in kind, according to the agreement of the parties.

The rent is regulated by agreement between the landlord and tenant. It is payable yearly, half-yearly, or quarterly, according to agreement.

The landlord has a right to raise rent, but not during the existence of the tenancy. He has the right of eviction, or of distraining, as he may choose, in case of non-payment of rent. Other claims are enforced by actions at law or in equity, as the circumstances of each case may demand.

The landlord has a lien for his rent from the time of levying the distress warrant, but it takes no precedence of any lien of older date, except as to the crop raised in the premises.

The landlord, to evict a tenant, makes affidavit before a judicial officer, that the tenant is indebted to him for rent, stating the amount which he refuses to pay, or that he holds over, as the case may be; whereupon such officer issues the writ of possession and the sheriff or constable evicts the tenant. The tenant may resist the eviction by making affidavit traversing the grounds for eviction, and giving bonds and security for the payment of the eventual condemnation money. The tenant is allowed no time for redemption in cases of eviction; he must pay his rent at once or leave.

Such evictions are not frequent, and are generally caused by the non-payment of the rent or holding over.

Improvements are generally executed by the landlord but it is usually a matter of agreement. The landlord upon resuming possession, is entitled to all improvements fixed to the realty, but the final possession of improvements is almost universally a matter of prior agreement. There is generally an agreement that at the expiration of the lease, the landlord will take the improvements at a fair valuation, or in case he should decline to do so, the tenant may remove them within a reasonable time stated.

The relations between landlord and tenant are generally friendly, and there is no necessity for any further legislative action than relates to the subject.

There are no tenures resembling the copyholds of England.

(Signed) WM. TASKER SMITH, *Consul.*

Savannah, November 11, 1869.

No. 29.

Acting Consul Jackson to the Earl of Clarendon.—(Received November 29.)

My Lord,— *Baltimore, November* 16, 1869.

IN obedience to instructions, received from Her Majesty's Legation at Washington, I have the honour to transmit to your Lordship, herewith inclosed, answers to queries on the subject of land tenure within this Consular District, and I have caused a duplicate to be sent to Her Majesty's Legation as directed.

I have, &c.

(Signed) JOHN J. JACKSON.

Inclosure in No. 29.

Report on the Tenure of Land in the State of Maryland.

Name of Country.—The State of Maryland, United States.
Population.—About 750,000.
Religions.—Various.
Industrial Pursuits.—Principally agricultural.

* Superior Courts of counties in State.

Land Occupation.

(A.)—Small Proprietors.

1. Various quantities; from 20 to 200 acres; generally held together.

2. All lands by statutory provision descend in advance of will to the children of the owner in equal shares; if no children, then to the collaterals in various proportions.

3. If susceptible of division, by deed of partition, must be registered; but if not, sold by order of Chancery Court and proceeds divided. Usual cost from 7 to 10 per cent.

4. There are no special facilities for raising loans on lands in this State.

5. Small properties are not, as a rule, heavily mortgaged. The legal rate of interest is 6 per cent., but for some years past, an addition in the shape of a bonus has been demanded, ranging from 2 to 4 per cent.

6. The cost of registering mortgages is 10 cents (about 4*d.*) per 100 words. All mortgages of real estates must be registered within six months from time of execution, or they do not constitute a lien. Upon default, are foreclosed in a court of equity and property sold. The usual expenses of sales of mortgages are about 10 per cent.

7. The crops raised are principally wheat, Indian corn, and hay, also tobacco. The rotation is generally Indian corn, wheat, then fallow. Three-fifths only of the land being under cultivation at one time, and permanent meadows considered as land under cultivation. The system of cultivation is more fully set forth in Annex No. 1.

8. Machinery is now used to a great extent and its uses is rapidly spreading owing to the want of reliance upon, and the high wages demanded by, the labourer, who now receives 1 dollar 50 cents (about 4*s.* 10*d.*) per diem without his board and lodging, and 15 dollars (about 2*l.* 8*s.* 4*d.*) per month including those necessaries. The wages of females is from 4 dollars (about 12*s.* 6*d.*) to 7 dollars (about 1*l.* 2*s.* 6*d.*) with board, per month.

9. Inapplcable.

10. Generally live on their properties.

11. The character of the farm-houses in Maryland is far from suitable to the comparatively prosperous condition of the farmer, but is rapidly improving, and with the high prices obtained for all kinds of farm-produce, the standard of living has decidedly increased, so that a highly prosperous appearance is presented.

12. The entire absence of any statistical information prevents any calculation of this character.

13. There has been no publicly expressed dissatisfaction with the above system.

(B.)—Tenants and Sub Tenants under Landlords.

Tenure.

1. Various quantities; from 25 to 400 acres.

2. Fee and common socage. In absence of lease or agreement, tenancy is from year to year, with the right of distraint. Rent, either money or share of product as may be agreed upon. Sub-tenancies are assignable unless otherwise agreed.

3. Either, unless the tenancy be for seven years or more, when a written and recorded lease is required. In absence of agreement the law presumes a yearly tenancy.

4. All agreements in regard to land may be registered in the Registry office of the county; but leases of seven years or more must be registered, otherwise only valid *inter* parties.

5. No such law or caution exists.

6. The interest of a tenant may be assigned or sold under execution without consent of landlord unless otherwise required. Attornment is abolished in the State.

Rents.

1. The tenant in Maryland generally pays money rent, but the instances of payment by shares in crops seem to be increasing.

2. The amount of rent is determined by competition as a general rule, and paid yearly.

3. The landlord has no such unlimited power. In order to raise the rent the tenancy must be determined and a new one created. Statute 4 Geo. IV, chap. 28, is in force and the common law of distress.

4. Landlords have a paramount line over other creditors.

See also answer to No. 3.

Evictions.

1. Tenants holding over after termination of tenancy, and previous notice of six months, may be evicted by summary proceedings before two Justices of the Peace and jury with right of appeal to the County Court. No redemption.

2. They are not frequent.

Improvements.

1. The improvements are generally executed by the landlords.

2. Where the tenant has to erect buildings, an agreement is generally entered into either giving the tenant on termination of lease a right to remove them or the landlord to purchase them at a valuation.

3. The landlord has a legal right to all improvements upon the land, but the tenant has the right during the term to remove all trade and ornamental fixtures placed there by himself.

4. The rights of the landlord and tenant are defined by common law and enforced in the Courts—or arbitration if agreed upon.

5. There are no special or ordinary means of raising loans on tenant holdings.

Miscellaneous.

1. The relations are entirely friendly and though the majority of the members of the State Legislature are generally farmers (either proprietors or tenants) there have been no special laws enacted favouring specially either party.

2. The system of cultivation by tenants is, as a rule, made to correspond to the best known system of farming, and penalties for the departure from the recognized system as laid down in the form of agreement to rent attached hereto Annex, No. 1. The tenant farmer is but little inferior in respect to the cultivation of his farm or his general circumstances to the small proprietor.

3. The absence of any system of State Statistics of Births, Marriages or Deaths; renders it impossible to ascertain the comparative increase or decrease in either class.

4. Inapplicable.

5. Founded on expediency public opinion has never, in my experience, been specially expressed on this subject so far as this locality is concerned.

6. No.

7. No such limitation.

8. Inapplicable. See 6 and 7.

9. None in the State of Maryland.

10. They receive no such assistance.

11. From the nature of the laws of descent the tendency is to dispersion.

Copyhold.

1. There are no tenures resembling copyholds. There are estates tail but liable to debts of parties, and are docked by deed or will and can be conveyed by deed. They are practically of no effect. There are now only two existing in this state.

British Consulate, Baltimore, November 16, 1869.

(Signed) JOHN J. JACKSON, *Acting Consul.*

Annex.

Articles of Agreement made day of eighteen hundred and , between her Agent and Attorney, of the one part, and of Frederick county, in the State of Maryland, of the other part.

THE said doth hereby rent to the said all that farm, situate in Frederick county afore said, being a portion of Lot No. , forming one-twelfth part of Carrollton Manor, and now in the tenure and occupancy of containing acres of land, more or less, together with the appurtenances thereunto belonging, for the term of one year, to commence on the twenty-ninth day of September, eighteen hundred and

And the said doth hereby covenant and agree to, and with the said as follows:—

The said will well and truly pay to the said as rent, for the use and occupation of said farm, in one sum and on the first day of July next preceding the expiration of the said term,

and a like sum on the first day of July in each year thereafter, so long as this lease shall continue; in case the said rent shall not be punctually paid on the first day of July in every year as aforesaid, the said agent or attorney, and heirs, executors, administrators and assigns, shall have the right to distrain for the same or any part thereof at any time after the first day of July in each year, on which day the rent is annually to become due and payable as aforesaid.

2. That the said will cultivate, conduct, and manage the said farm in a good and husband-like manner, and make and keep up the fencing, at all times during the continuance of the said term, and leave the same, at the expiration of the said term, in good and farmer-like condition.

3. That the said will not underlet any part of the aforesaid demised premises.

4. That the said will not cultivate more than three-fifths of the said farm hereby demised; permanent meadows being always computed as parcel of the land in cultivation. And in case of any transgression of this limit, it shall and may be lawful for the said executors, administrators, or assigns, to claim, as additional rent, in augmentation of the rent hereinbefore reserved, and with the right to distrain therefor, at any time after the first day of July in each year as aforesaid, at the rate of eight dollars per acre, for each and every acre that may be put in cultivation over and above the three-fifths above limited; or else at her and their option, to claim damages for the breach of the said covenant, by an action at law for the same.

5. That the said will sow at the proper season, at the rate of one bushel of clover seed to every acres of land, such part of his farm as may then be in small grain, except only so much thereof as may properly be set apart for cultivation in corn the ensuing year; and will also sow plaster, at the proper season, at the rate of two tons of plaster to every acres of land, of the sowing of which cloverseed and plaster, proof must be exhibited to the agent of said

6. That the said will not sell or remove, or suffer to be removed, any clover, hay, corn husks, or straw, from off the demised premises: nor fell any trees for fire-wood whilst sufficient fallen timber may be found for that purpose; nor cut any wood on the said premises, except for necessary fuel and fences, and then only at such places as the said by her attorney or agent shall point out and prescribe.

7. That the said will not at any time, raise any buckwheat or oats, or cultivate the same crop twice in succession on the same land, on any pretence whatever, other than by the actual permission in writing of the lessor or assigns, and will not plant in any one year, in corn, more than 25 acres of land, in proportion to every 200 acres in the demised premises.

8. That the said her heirs, executors, or administrators, are not to be chargeable with the expenses of any repairs that may be made during the said term, unless made by her express previous direction.

9. That the said will not take in any droves of cattle or sheep, to pasture on said premises, nor use nor permit his stock to be put to pasture or run on clover before the tenth day of May in any year.

10. That the said will haul the straw raised on the demised premises to the barn yard, or to such temporary enclosure for feeding cattle as may be made or used on the premises, in order that the said straw may be made into manure for the benefit of the said land, and will not permit the said straw to lie waste in the fields of said premises.

11. That the said will do no act to forfeit or endanger the insurance on the dwellings and improvements on said demised premises, or to increase the risk, or rate of insurance thereon.

12. That if the said shall receive notice to quit the premises, as is herein provided for, he shall not remove his crop before he pays the year's rent.

And it is hereby further covenanted and agreed by and between the parties to these presents, that this agreement shall continue and be a demise, from year to year, so long as both parties please; either party, or his or her agent or attorney, being at liberty to

put an end to the contract at the expiration of any one year, by giving at least ninety days' previous notice, in writing, of his or her intention to do so; but the death of either party, at any time, shall determine this demise at the expiration of the current year, without any notice whatever. And whenever due notice shall be previously given, to put an end to this lease at the expiration of any year, or the same shall be determined by the death of either party as aforesaid, the incoming tenant shall have the right of ingress and egress to and from the said premises, and of ploughing and otherwise preparing the said lands for the proper crops, at any time after the fifteenth day of July preceding the expiration or determination of this lease as aforesaid, without the let, hindrance, or molestation of the said his executors or administrators.

In witness whereof the parties have hereunto set their hands and affixed their seals, on the day and year first herein before written.

Witness:

(Seal.)
(Seal.)

No. 30.

Consul Kortright to the Earl of Clarendon.—(*Received November* 29.)

My Lord, *Philadelphia, November* 16, 1869.

IN compliance with instructions received from Her Majesty's Minister at Washington, I have the honour to inclose your Lordship a full Report on the laws and customs affecting the tenure of land in my Consular districts, embodied in replies to the the several queries inclosed in your Lordship's circular of the 26th of August, which Mr. Thornton transmitted to me.

I have endeavoured to render this Report as complete and comprehensive as the means at my disposal have enabled me, culling only from such legal and other sources as I deemed of an entirely reliable nature, and adding such observations as my own personal knowledge of the country has enabled me to make. I trust it may meet with your Lordship's approbation.

I venture to call the attention of your Lordship to the system of ground-rents, as practised in the State of Pennsylvania, as it works admirably in this State, and seems to me to offer a fair solution of the land question in some portions of Ireland, more especially in the case of unimproved lands. I have for this reason dwelt at some length on this subject at the end of my Report.

It is to be remarked that the cases of Ireland and Pennsylvania are reversed in one material respect, inasmuch as in Ireland land is dear and labour cheap; whereas in Pennsylvania the reverse obtains, land is cheap and labour dear. The laws, however, regulating the tenure of land in this State may be said to bear a close resemblance to those which govern the question in Ireland.

It is also worthy of observation, not stated in my Report, that in this country the Irish, as a race, are not addicted to agricultural pursuits. They generally congregate in large cities; and when they have amassed sufficient means, by manual labour, become proprietors of liquor-stores and drinking-saloons, rarely engaging in farming enterprises.

I have, &c.

(Signed) CHARLES E. K. KORTRIGHT.

Inclosure in No. 30.

Report on the Laws and Customs affecting the Tenure of Land in the State of Pennsylvania.

Name of Country.—Pennsylvania, United States.

Population.—Over 3,000,000.

Religions.—The religion of the State was founded by Mr. Penn, on the principle that each man should worship according to his inclinations. The sects, consequently, are numerous, membership ranging as follows:—

Protestant Episcopal	160,000
Roman Catholic	240,000
Methodist Episcopal	350,000
Baptists	300,000
Presbyterians	400,000

There are numerous other sects, viz., Friends, Jews, German-Reformed, Lutherans, Unitarians, Universalists, Swedenborgians, and others. The total number of churches in the State will exceed 4,000, being at the rate of one church to every 700 of the population. These churches could accommodate 2,000,000 people, at an average of 480 to each church.

Industrial Pursuits.—This State is the second in rank for population, resources, and influence, of the American Union; the climate healthy, the air generally pure and dry; a well-watered and fluvial region; the industrial pursuits being coal-mining, iron-manufactures, all kinds of skilled labour, and chiefly agriculture.

There are over 182,000 farmers in the State, and the numbers of acres of improved and unimproved land in farms is as follows:—

	Acres.
Improved land	10,463,296
Unimproved ditto	6,548,844
Wild or waste areas, not in farms	12,427,860
Number of farms	156,357
Average number of acres to each farm	109

This improved and unimproved land is worth over 500,000,000*l.*, or about 20*l.* to the acre for improved land, and 5*l.* to the acre for unimproved.

There are more persons employed in agricultural pursuits than in those of manufacture and commerce combined.

The value of improved farms has more than doubled within the past ten years preceding 1860, and has continued to rapidly increase since that period. Pennsylvania produces all the cereal grains and other agricultural crops of the temperate zone. She produces more wheat, rye, and grass-seeds than any other State. She is third in the value of her live stock and in the amount of her wool and Irish potatoes, and second in the amount of internal revenue returned to the United States' Government.

Land Occupation.

The system of land occupation in this State is by small proprietors and tenants under proprietors; tenants, however, only averaging about one-sixth the number.

(A.)—Small Proprietors.

1. From 1 to 50 acres when near cities and towns, and from 50 to 200 acres elsewhere; usually held together.

2. On death of owner, leaving widow and issue, the widow takes one-third of real estate for life, and the remainder equally divided between the children. Where a widow and collateral heirs are left, the widow takes one-half real estate for life, and the remainder is equally divided among the collateral heirs. When all are related in equal degree, they take *per capita;* if of unequal degree, *per stirpe.*

This is after payment of all debts, and in the absence of any will or marriage settlement.

The owner can by will leave his estate as he thinks proper, subject only to the widow's dower at common law, and the "curtesy" of the husband, which is perfected here without there being issue.

3. The usual mode of conveyance is by deed of bargain and sale, registered in an Office of Record; an exemplification of such deed is as valid as the original. The cost of record is 5*s.* sterling. The legal services always engaged in these conveyances varies in cost, from 2*l.* sterling and upwards.

4. The only instance in Pennsylvania of any such facilities having been afforded, to any great extent, is that of the "Holland Land Company" of Western Pennsylvania and South Western New York. Large properties are purchased under "articles of agreement," a small annual payment being made for a series of years, at the completion of which a deed in fee-simple was made out, and great liberality was shown by these large proprietors in conforming to the necessities of purchasers, who were allowed many extensions of the payments; and in some instances liberal abatement of the accumulated interest, and other charges. These purchasers were also permitted to sell their "improvements," or to transfer their contract to another party, receiving from that party—not from the land company—payment for the buildings or other valuable improvements made by the original occupier.

Most of the surface of Erie, Crawford, Warren, and other adjacent counties of North-West Pennsylvania was so occupied, as well as some sections of the State of New York.

It is also the practice in some parts of the State to sell farms on very long terms for payment—thirty years and upwards—and the deed is not given till the last payment is made.

It may also be stated that, as an inducement to parties buying lands on limited means and contracts to pay in instalments for the fee-simple, the improvements made on such purchased lands are almost everywhere recognized throughout the United States, and no general practice of enforcing the letter of original contracts as to time of payment exists, although the law allows an enforcement of the terms of the contract by dispossession of the occupier. This arises from the fact of land being cheap in America, and the great desire to get it occupied and improved.

5. Generally mortgaged to about one-fifth of their value. The usual rate of interest is 6 per cent., never less than 5 per cent.

6. These mortgages are registered, and take priority from the date of receipt at the Recorder's Office, except mortgages for the purchase-money, which need not be recorded for sixty days. The cost of recording about 5*s*. An office, called the "Recorder of Deeds' Office," is kept in every county at the county town. Deeds, mortgages, assignments of mortgages, any instrument under seal given to executors and administrators, letters of attorney, &c., may be recorded, and exemplified copies are evidence.

7. The general crops are corn (maize), oats, wheat or rye, and grass, and in that rotation. Potatoes are almost the only root crop generally raised. This crop is usually planted in a field where maize or oats were raised; in the rotation it could take the place of either. Buckwheat and tobacco are also raised to some extent. The mode of cultivation is the same as in England.

Almost all the fields on a farm go through this rotation. Each field, in turn, is kept in grass two or more years. One field is generally kept for pasture until after harvest, and then they are all thrown open to the cattle. Not much second-crop hay is cut. Toiling cattle is considered economical as regards the land, but expensive as regards the labour. It is not often done except where land is very much more valuable than labour. The general economy is of labour and not of land.

The following Table shows the yield of crops in the State for the year 1867, taken as an average year:—

TABLE showing the Yield of Crops in Pennsylvania for the Year 1867.

Crop.		Total Yield.	Average Yield per Acre.	Number of Acres in each Crop.	Yield in Money per Acre.	Value per Bushel, Ton, or Pound.	Total Valuation.
					£ s. d.	£ s. d.	£
Indian corn ..	Bushels	30,457,000	32·0	951,781	2 10 0	0 4 0	5,940,000
Wheat	„	15,000,000	12·5	1,200,000	4 4 0	0 8 0	6,075,000
Rye	„	6,832,000	13·7	498,686	3 0 0	0 4 10	1,605,520
Oats	„	59,900,000	30·0	1,996,666	3 0 0	2 2 0	6,600,000
Barley	„	615,000	20·0	30,750	2 3 10	4 8 0	140,425
Buckwheat . ..	„	8,844,000	16·3	542,576	..	3 10 0	1,665,620
Potatoes	„	11,727,000	74·4	157,620	13 12 0	3 6 0	2,032,680
"Sweet" potatoes ..	„	..	..	..	24 18 0	..	..
Tobacco	Lbs. ..	4,712,000	725·0	6,499	..	0 0 4	70,680
Hay	Tons ..	2,424,000	1 3	1,864,615	3 12 0	2 10 0	5,991,340
Total ..	..	..	..	7,249 193	..	..	30,091,265

8. Very much employed. Farming would be hopeless here without labour-saving machines. Two men by the year, with the aid of two others in harvest, will do the work on a farm of 100 acres. Women are not employed except in the dairy to milk or make butter. The following statement, showing the number of patents issued by the United States' Government on agricultural implements, during the years mentioned, exhibits the great interest taken in all labour-saving machines:—

Year.	No. issued.
1847	43
1863	390
1864	563
1865	642
1866	1,778
1867	1,800

The farmers who do best are those with growing families, the sons and daughters doing all the work with but little hired labour. Hired men receive 3*s*. 8*d*. per day by the

year; 5*s.* per day for shorter periods. Men on these wages find themselves. Those who live with their employers get about one-half the above price.

In harvest time 7*s.* 6*d.* to 8*s.* 4*d.* per day is paid to those who live with their employers, and about 10*s.* 4*d.* to those who do not.

9. The farm population on the River Susquehanna, and other lumber regions of the State, emigrate largely to the Western States; but those farming districts near established towns do not emigrate to other States to any great extent; many of the latter go from country to town.

10. On their properties always.

11. Well housed, fed, and clad, and generally prosperous. They do not accumulate much wealth, but live well and work hard.

12. There are no data upon which this query can be replied to.

13. The system is thought to work very well.

(B.)—Tenants and Sub-Tenants under Landlords.

Tenure.

1. The same laws that exist in Ireland, with reference to the relations between landlord and tenant, govern the system of tenure in this State. They are founded upon express contract of the parties, and not upon tenure or service, and as these contracts run from year to year, the tenants are liable to eviction at the termination of their tenancy on due legal notice being given, without compensation for their improvements, and are liable, also, to have their rents raised by the landlord. This, of course, relates strictly to tenancies and not to any character of contracts for purchase.

The tenant, however, is entitled to the way-going crop, and may enter after expiration of lease, to cut and carry it away. He cannot remove manure.

The quantity of land usually held by each tenant, is quite variable, ranging from 25 to 200 acres.

2. Usually, from year to year, on special contract, duly executed in the presence of witnesses, sub-tenancies are assignable by tenant, unless there is a special clause in the lease to the contrary; and such assignment does not require the consent of the landlord. The tenant, however, is liable to the landlord for payment of rent.

3. The tenancy is created by written agreement. In the absence of an agreement, the tenancy is from year to year.

4. Written agreements can be, and often are, registered at the Recorder of Deeds' Office of the county, on payment of a small fee; and this registration will prove the nature of the agreement in the event of its loss.

5. No.

6. The tenant can sell his lease, unless there is a special clause therein to the contrary.

Rent.

1. About as often one way as the other.

2. The rent is always fixed by agreement between the owner and tenant, and is always payable yearly.

3. He has an unlimited power in all these instances.

4. Generally by distraining upon the goods of the tenant. Goods to the amount of 50*l.* are exempt; but the tenant can waive this exemption in his agreement with the landlord. The proceedings are of a summary character, before a Justice of the Peace. The landlord is entitled to receive his rent in preference to other creditors, to an amount not exceeding one year's rent.

Evictions.

1. If the tenant holds over, after the expiration of his term, a Justice of the Peace, on its being shown to him that the tenant has had three months' notice previous to the expiration of his term, of the landlord's desire to repossess his property, will issue a warranty of possession in his favour. The tenant has a right to appeal to the Court of the county; but the appeal does not act as a supersedeas of the warrant.

On non-payment of rent, where there are no goods on the premises liable to distress, the lessor must give the lessee fifteen days' notice to quit, if between the 1st of April and 1st of September; if after the 1st of September, and before the 1st of April, thirty days' notice must be given. Complaint is then made under oath to a Justice of the Peace, who,

after a hearing, issues a writ of possession, if the facts warrant it. This writ is not issued until five days after judgment. If within that time, the lessee gives absolute security, by recognizance, for all costs that have and may accrue up to the judgment affirmed, and all rent that has accrued and may accrue up to final judgment, then the tenant is entitled to an appeal to the next County Court, where the case is tried like other civil suits. This acts as a supersedeas.

2. Evictions are very rare [illegible] of rent, and holding over.

Improvements.

1. All buildings of anything like a permanent character are erected by the landlord.
2. If by tenant, he has no security except by prior agreement.
3. The improvements belong to the land. The law recognizes no such right in the tenant.
4. No right.
5. None.

Miscellaneous.

1. The relations are friendly. The landlords are more in need of legal protection that the tenants. The tenants are generally poor, and there is little redress to be had by landlords for breach of contract on their part. Beyond the two cases of eviction for holding over and for non-payment of rent, the landlords' rights are poorly protected.

2. The cultivation, employment of labour, mode and standard of living, and general circumstances and character, are precisely similar to those of small proprietors.

3. There is, apparently, very little difference.

4. The only emigration is from country to town, where wealth is supposed to be attained quicker and with less labour.

5. The difficulty of the system is the want of capital. A man is a proprietor here where his means would not justify him in offering himself as a tenant in England or Ireland. The agriculturist who has any capital here spends it on land and cultivates for himself. A tenant is a man with no capital, and generally requires the farm to be stocked for him. Want of capital is the bane of American agriculture, and farming is considered the only business that can be entered into without it.

6. No.

7. Not applicable.

8. Not applicable.

9. The general Government offers its land for very small prices, and grants pre-emption rights to actual settlers. There are no lands belonging to the United States or the State Government in Pennsylvania, and the above remark applies to the public lands in the far Western States.

10. Tenants receive no assistance by law, or any other public source.

The natural desire and general result of the more industrious class, is to become proprietors, and they very frequently do so. The general desire is to make the tenants become proprietors.

11. All the laws favour dispersion of property, personal and real. The increase in the value of land also favours this. Farms turn into town lots, or are rendered by rail-road facilities too valuable to hold. It is almost impossible to keep land in one family over three generations.

Six per cent. is the legal rate of interest, and from that to ten can be obtained in good securities, while no such return can be got from land.

Land converted into money will double the income of the owner even if invested in the securities of the national or State Governments.

Copyhold.

There are no copyholds, or anything resembling them.

Ground-Rents.

There is a mode of tenure peculiar to Pennsylvania in use which is thought very highly of, and known as "ground rents." This system is created as follows:—The owner of land grants it in fee-simple, reserving to himself and his heirs a certain rent, which is the interest of the money value of the land. A man, for instance, without capital wishes to purchase a lot of ground worth 100*l.* It is conveyed to him, the consideration being that he pays 6*l.* per annum for ever. He thus becomes the absolute owner of the land,

and can mortgage, sell, or dispose of it as he pleases. He generally improves it, and his land can never be sold, or the value of the improvements lost, as long as he pays the interest of the money. The grantor of the land can never call upon him for the principal. This constitutes its superiority to a mortgage, under which he is liable to have his property sold, no matter how punctually he may pay the interest.

These ground-rents have been judicially decided to be "rent services," not "rent charges," the statute of 18 Edward I, cap. 1, known as the statute of "*quia emptores*," never having been in force in Pennsylvania.

These ground-rents are as highly esteemed by the seller as by the buyer. They are the highest security extant here. No sale for taxes, mortgages, or incumbrance of any kind subsequently incurred, affects them. The rents are generally received in silver of a certain weight and fineness, and they are thus not liable to be paid in a depreciated currency. The landlords' remedies are by distress, re-entry, debt, and covenant. The covenant to pay runs with the land, and that action can be brought against the original covenantor, disregarding all subsequent assignments.

These grounds can be readily sold, and when the lot is built upon or improved, they bring a considerable premium.

They do not interfere with the tenants obtaining money on mortgage.

The system has worked well, especially in cities. They are no longer irredeemable, and the tenant has a right to pay them off whenever he desires to do so. The landlord, of course, has a right to name in the deed a time before which they cannot be paid off, but the failure to pay them at the time named no longer renders them perpetual.

This system only answers for unimproved property, and acts as a stimulus for improvement.

(Signed) CHARLES E. K. KORTRIGHT,
Her Majesty's Consul for the State of Pennsylvania.

British Consulate, Philadelphia, November 16, 1869.

No. 31.

Consul Murray to the Earl of Clarendon.—(Received December 15.)

My Lord, *Portland, United States, December* 4, 1869.

IN compliance with instructions I have received from Mr. Thornton, Her Majesty's Minister at Washington, I have the honour to transmit herewith to your Lordship a Report upon the tenure of land in this State of Maine.

Not being able from my own knowledge to reply in a satisfactory manner to the leading given questions on this subject, I have availed myself of the good offices of my legal friends Messrs. Shepley and Stroud, the leading lawyers in this State, who have most courteously and gratuitously supplied me with most of the necessary details.

I have, &c.
(Signed) HENRY JOHN MURRAY.

Inclosure in No. 31.

Report by Consul Murray upon the Tenure of Land in the State of Maine, United States.

Name of Country.—State of Maine, United States of North America.
Population.—About 700,000.
Religions.—Every variety of Christian sect.
Industrial Pursuits.—Agriculture, shipbuilding, manufacturing, and lumber.

Land Occupation.

Each proprietor holding his estate in fee-simple.

(A.)—Small Proprietors.

1. About 100 acres, although the number of acres vary from 20 to 500, and even more.

2. The widow of a deceased husband dying intestate, has dower of all the lands of which the husband died seized, equal to one-third part of the net annual income thereof; but she has no dower in wild lands. Land descends to the children of an intestate equally,

and to the lawful issue of deceased children equally with the living children. If no child is living at the time of the decease of the intestate, then to all his lineal descendants equally, if of the same degree of kindred; if not, according to the right of representation. If no such issue, to the father. If no father, equally to mother, brothers, and sisters, and the children of deceased brothers and sisters by representation. If no father, brothers, or sisters, to the mother, to the exclusion of the children of deceased brothers or sisters. If no such issue, father, mother, brothers, or sisters, it descends to his next of kin in equal degree; and of these, to those claiming, through different ancestors, the nearest ancestor takes the preference. When he leaves child or children, and the issue of one or more deceased children, and one of those surviving children dies, not having been married, and under age, the share of his father's estate descending to him, descends in equal shares to the other children of his father, and the children or grand-children of those deceased, by right of representation in equal shares, if of the same degree of kindred, otherwise by right of representation. Kindred of half blood inherit equally with whole blood in the same degree. Children born out of wedlock, are the heirs of the mother and of the father, if he acknowledges himself to be the father in writing, in the presence of attesting competent witnesses.

Real estate of an unmarried illegitimate child, who dies intestate, descends to the mother and her heirs. If an intestate leaves no heirs, his real estate escheats to the State. Every person of sane mind, and 21 years of age, may dispose of his property, real and personal, by will duly executed.

3. The division of the property of deceased persons may be, by Commission issued by the Judge of Probate where the land lies, or it may be held in common, or undivided by the heirs-at-law.

It may also be divided by deed of conveyance executed by the tenants in common to each other, and by process of law known as partition.

The costs vary with each proceeding. The usual mode of conveyance of real estate by small proprietors, living, is by deed of conveyance executed, stamped, acknowledged, and recorded. The cost of such conveyance is from 2 to 10 dollars.

4. No.

5. Not heavily mortgaged; 6 per cent. per annum.

6. Mortgages are recorded in the County Record Office, established in each county for that purpose; costs 50 cents.

7. Maize, potatoes, wheat, rye, oats, barley, beans, and grass, are the principal crops. Maize is cultivated with the greatest success. Rotation: potatoes; next year maize or oats; next, wheat, rye, barley, or beans; next, grass; tillage, and grass land, one to ten.

8. The mowing-machine, horse-rake, hay-tedder, cultivator, and plough, are used in cultivation instead of manual labour.

One or two hired labourers, at wages varying from 10 to 30 dollars per month, are hired on farms of 100 acres or more.

No females are employed in the fields.

9. Agricultural labourers do emigrate to the western part of the Union, which offers far greater advantages in climate, productions, and cheapness of living; in fact, this State of Maine, from its severe climate, long winters, and poor soil, affords few inducements for agricultural labourers to remain here.

10. They live on the farms they cultivate.

11. Neat cottages, and substantial farm-houses; wholesome diet, and decent and comfortable clothing. Almost all of them can read and write, and the school-house is found everywhere. They appear to be happy, healthy, contented, and intelligent.

12. I have no means of answering this query satisfactorily; but believe that the annual rate of increase is in favour of the urban population, in consequence of the steadily increasing importance of the manufacturing interests in this State of Maine.

13. It is believed to be the best by those who practise it.

(B.)—Tenants and Sub-Tenants under Landlords.

The following is the general reply to the given queries under this heading.

There is no system of landlord and tenant, such as is found in England and Ireland, where the land is divided amongst, comparatively, a limited number of proprietors.

The farmers own their land in fee.

It is true that the relation of landlord and tenant does sometimes exist, but it is of rare occurrence in rural districts, where land is plenty and cheap. It is created usually where it does exist, by a written indenture or lease, executed by the parties, defining the contract and obligations of each. A blank copy is here annexed.

Upon the termination of the lease, or breach of its conditions, the landlord may enter and maintain an action of ejectment, or a summary process, known as "forcible entry and detainer," against the tenant, to obtain possession of the freehold. This process must be served upon the tenant at least seven days before the trial of the cause.

The Supreme Judicial Court has jurisdiction in writs of entry; local magistrates of the writ of "forcible entry and detainer."

All questions of rent and improvement are usually the subject of contract; and in cases of away-going tenants the law usually is, that they are entitled to "emblements."

Copyhold.

There are no copyhold estates in Maine, such as the question supposes.

(Signed) HENRY JOHN MURRAY, *Consul.*

British Consulate, Portland, United States,
December 4, 1869.

Annex.

Lease.

THIS Indenture, made the day of in the year of our Lord one thousand eight hundred and

Witnesseth, that do hereby lease, demise, and let unto

To hold for the term of from the day of yielding and paying therefor the rent of

And the said Lessee do covenant to pay the said rent in payment as follows:

and to quit and deliver up the premises to the Lessor, or attorney, peaceably and quietly, at the end of the term aforesaid, in as good order and condition,—reasonable use and wearing thereof, or inevitable accident, excepted,—as the same are, or may be, put into by the said Lessor, and to pay all taxes duly assessed thereon during the term, and for such further time as the Lessee may hold the same; and not make or suffer any waste thereof; and he will not assign or underlet the premises, or any part thereof; without the consent of the Lessor in writing, on the back of this Lease. And the Lessor may enter to view and make improvement, and to expel the Lessee if he shall fail to pay the rent aforesaid, whether said rent be demanded or not, or if he shall make or suffer any strip or waste thereof, or shall fail to quit and surrender the premises to the Lessor at the end of said term, in manner aforesaid, or shall violate any of the convenants in this Lease by said Lessee to be peformed.

And the Premises shall not be occupied, during the said term, for any purpose usually denominated extra-hazardous, as to fire, by Insurance Companies.

In witness whereof, the parties have hereunto interchangeably set their hands and seals, the day and year first above written.

Signed, sealed and delivered, in presence of

PART II.

REPORTS

FROM

HER MAJESTY'S REPRESENTATIVES

RESPECTING THE

TENURE OF LAND

IN THE SEVERAL

COUNTRIES OF EUROPE:

1869-70.

Presented to both Houses of Parliament by Command of Her Majesty.
1870.

LONDON:
PRINTED BY HARRISON AND SONS.

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Part II.

No. 1.

Mr. Bonar to the Earl of Clarendon.—(*Received January* 6.)

My Lord, *Berne, January* 3, 1869.

WITH reference to your Lordship's despatch marked Circular, addressed to me on the 26th of August last, I have now the honour to inclose to your Lordship herewith a Report which, at my request, has been drawn up by Mr. Mackenzie, Her Majesty's Consul at Geneva, relative to the nature and customary conditions of the tenure of land in that part of Switzerland.

Mr. Blunt, to whom, as Third Secretary to this Legation at that time, I entrusted, in the absence of the Secretary of Legation, and in conformity with your Lordship's instructions, the duty of drawing up a Report upon the same subject as regards Switzerland generally, having been for a length of time absent from Berne on leave of absence, his Report has not yet been transmitted to me.

I have, &c.

(Signed) A. G. G. BONAR.

Inclosure in No. 1.

Report by Consul Mackenzie on the Tenure of Land in the Canton of Geneva.

Name of Country.—Switzerland: Canton Geneva.
Total Population.—91,000 inhabitants.
Religion.—Protestants and Catholics, about equal proportions.
Industrial Pursuits.—Watch and jewel makers.

Land Occupation.

(A.) Small Proprietors.
(B.) Tenants under Proprietors.

There are no sub-tenants. There are no means of knowing in what proportion these several systems exist.

(A.)—Small Proprietors.

1. The quantity of land usually held by each varies from 6 to 12 acres, small lots held together, and the larger intersected by other properties.

2. On the death of the owner the land is equally divided amongst the children.

3. The legal method used for the sale, transfer, exchange, or division of such properties is effected by means of an authentic Act, registered at the Bureau des Hypothèques (Mortgage Office), and inscribed on the Cadastre (Land Register). The duty on transfer by inheritance varies from 2 to 12 per cent., according to the degree of relationship. The duty on sale is 5 per cent.

4. The Government does not afford any facility for raising loans upon properties.

By far the greatest number of mortgages are in the hands of private individuals, without any special purpose being specified on the registers.

5. The landed properties of the whole Canton are mortgaged for about one-fourth of their total value. The usual rate of interest is $4\frac{1}{2}$ to 5 per cent.

6. The legal method of registering mortgages is by inscribing them at the Mortgage Office, the cost of registration being $1\frac{1}{2}$ per cent.

7. Permanent crops are vineyards, woods and meadows. Rotation: Root crops, wheat, clover, wheat and oats. Stock bought and kept in stalls. Tillage land, three-fifths; grass land, mowing meadows, two-fifths.

8. Besides ploughs, there are sowing, threshing and winnowing machines used and hired. There are many hired labourers employed, the greatest number coming from Savoy, and engaged by the week, during eight or nine months of the year. Wages vary from 1 franc 35 centimes to 1 franc 40 centimes (1*s.* $1\frac{1}{2}$*d.* to 1*s.* 2*d.*) per day, besides food and lodging found them. Fed and housed like the male labourers. Those engaged by the year, living with their masters, get about 300 francs per annum (12*l.*).

9. Hardly any of the labourers emigrate.

10. Proprietors live in the villages, generally in detached houses.

11. They are pretty well fed and clad, better in Protestant than Catholic villages. Farmers generally kill a pig in winter. Labourers have good soup and vegetable food every day, and pork and butchers' meat three or four times a week.

12. The whole agricultural population is about 25,400 inhabitants, or about $2\frac{1}{6}$ acres for each individual. It is very difficult to ascertain what is the increase of population.

13. Public opinion generally favourable to existing system.

(B.)—Tenants under Landlords.

1. The quantity of land usually held is in very small farms; near the town, from 10 to 20 acres each, at a greater distance from the city farms are 30 to 50 acres; very few from 60 acres upwards. No sub-tenants.

2. Conditions of tenure are regulated by a written lease, the duration of which is not less than nine years.

3. Answered as above.

4. Leases may be registered at the Stamp Office.

5. The tenant has no right to remain on the estate after expiration of the lease.

6. The tenant has no right to dispose of his lease or interest in the farm he occupies.

Rent.

1. The general custom is to fix the amount of rent in money. In some instances, as in vineyards, the rent is often received in produce.

2. Rent settled by mutual agreement, and payable yearly six months beforehand.

3. The landlord has no power of raising the rent, but has the right to evict the tenant in case of non-payment of rent or breach of covenant.

4. The legal means of procedure to settle the respective rights of landlord and tenant is by an action before the Civil Court. The landlord has a lien for payment of rent on the live and dead stock of the tenant.

Eviction.

1. To evict a tenant the landlord sends him a summons to appear before the Civil Court, which pronounces upon the merits of the case for or against the tenant. The Court decides if time is to be granted the tenant for payment.

2. Evictions are very scarce.

Improvements.

1. Improvements, especially buildings, are executed by the landlords.

2. When by tenants it is only by special agreements with the landlord.

3. The landlord has a special right (legal) on improvements made by the tenant without remuneration, if not agreed upon beforehand.

4. By preventing such improvements from being removed.

5. Tenants have no means of raising loans for improvements, except on their own personal security.

Miscellaneous.

1. Landlords and tenants live generally on good terms; there is no legislative interference required by tenants besides the common law.

2. The mode of cultivation by tenants is much the same as by small proprietors (as described under that head). Tenants are generally superior as to the mode of cultivation and general circumstances, to small proprietors.

3. Impossible to say, with any degree of accuracy, for tenants, in course of time, become small proprietors, and *vice versa*.

4. There is no emigration in this Canton.

5. System of complete liberty, much valued in this country.

6, 7, 8. Never.

9. No steps taken by Government to increase number of owners.

10. Tenants do not receive assistance of any kind to become proprietors.

11. The laws of the country favour the dispersion of land by allowing its division in equal parts amongst the children of the deceased owner.

Copyhold.

There are no tenures resembling the copyholds of England.

General Remarks.

Many of the queries are difficult to answer, from the fact of their referring to a state of thing which does not exist in this country. All land here is freehold, and can be disposed of with the same facility as any other description of property.

By means of the Bureau des Hypothèques (Mortgage Registry Office) the purchaser of land can always know exactly what changes have taken place or charges exist upon the property, and by means of the Cadastre, or Land Register, where every parcel of land is mapped out and numbered. The purchaser has likewise the facility of knowing what an estate is and what are his exact limits.

If there is no emigration, it will naturally be asked what becomes of the surplus rural population? The fact is, there is no surplus; for parents, knowing very well that on their death, the property will be divided, and that it will not suffice for the maintenance of all their children, allow them to go out as farm servants or day labourers; but by far the greater number are apprenticed to some trade or calling, which they can follow in the city or in their native village.

(Signed) ARUNDEL MACKENZIE, *Consul.*

British Consulate, Geneva, October 1, 1869.

No. 2.

Mr. Lumley to the Earl of Clarendon.—(Received January 10.)

My Lord, *Brussels, January* 8, 1870.

I HAVE the honour to inclose herewith to your Lordship a Report drawn up by Her Majesty's Consul at Ostend, Mr. Curry, upon Land Tenure in Belgium, called for in your Lordship's Circular despatch of 26th August last, and which Report your Lordship will, I think, find to contain concise and accurate information on the points required.

I have, &c.

(Signed) J. SAVILE LUMLEY.

Inclosure in No. 2.

Report by Consul Curry respecting Tenure of Land in Belgium.

Name of Country.—Flanders.

Population.—1,490,000.

Religion.—Roman Catholic.

Industrial Pursuits.—Spinning in families at home; manufacture of linens and lace; breweries; flour mills; distilleries of gin; brick kilns; salt refineries; tanneries, &c.

Land Occupation.

Properties are very much divided. There are many small proprietors, who cultivate their own properties; the others are let for a term from nine to twelve years. There are few, if any, who cause their land to be cultivated on their own acconnt by other persons.

(A.)—Small Proprietors.

1. The quantity of land usually held by small proprietors varies considerably, from one to ten hectares; it is in general in one lot, and cultivated separately by each.

2. It is the Code Civil which regulates the right of succession. On the death of a tenant leasing land, the lease continues good, to the benefit of his widow and legal heirs.

3. The sale, exchange, or division of property must be made before a notary. When minors or bankrupts are interested, a public sale is obligatory, under the superintendence of the officers of justice. The expenses vary according to the mode employed. The duties payable to Government are from 6½ to 7 per cent. on the amount of the sale. All expenses included, the cost is:—

For private sales - - -	8 per cent.
„ public sales - - -	10 „
By justice - - - -	12 „

4. The proprietor can raise loans on his property, giving his property in guarantee. There are banks, special societies, and private individuals, who furnish loans, but never the Government.

5. The interest on mortgages varies from 4 to 5 per cent., and the term from five to fifteen years. The tenant cannot borrow on giving his lease in guarantee.

6. The mortgage deed must be made before a notary public, and registered. The expenses attending amount ordinarily to 3 per cent. of the capital raised.

7. Wheat, barley, oats, buck wheat, potatoes, turnips, carrots; and wheat or barley, potatoes or beans, in rotation. Cultivation is in general by the plough; in some small properties by the spade.

8. Machinery is beginning to be employed on large farms, but very faintly. Women are much employed in work in the fields; their wages are about ¾-franc a day, with their food; those who live with the farmer gain from 8 to 10 francs per month. Their engagements are in general for the year, from the month of May.

9. Few labourers emigrate; the cases are rare.

10, 11, 12. Proprietors generally live in towns in the neighbourhood; few on their properties.

13. Public opinion does not ask for any change.

(B.)—Tenants and Sub-Tenants under Landlords.

1. Twenty to one hundred hectares.

2. The tenant can underlet it, if it is not expressly forbidden in his lease; he may then sue the under-tenant without the permission of the proprietor.

3. The tenancy can be created by verbal agreement, or by private signature, if it does not exceed nine years; it can be created by act before a notary public; and it must be before a notary public if the term exceeds nine years.

4. The lease made before a notary public must be registered within ten to fifteen days from its date. The lease by private agreement must be registered within three months of its date, under a penalty.

5. No.

6. No.

Rent.

1. The rent is fixed in money. All contributions are generally at the charge of the tenant. If this condition is not imposed in the lease, the land tax must be paid by the proprietor.

2. The amount of rent is fixed by mutual consent between the proprietor and tenant, payable yearly on the 1st October; ordinarily the payment is not made till six

months after that date; but this is a simple courtesy. The proprietor can exact payment on the 1st October.

3. The proprietor has the right to break the lease, in case of the non-execution of the conditions of the lease; but it must be done by the civil tribunal, who alone can annul the lease.

4. The proprietor has a privilege, to the amount of his rent, on all the produce of the land, and on whatever exists on the farm.

Evictions.

1. If the tenant is in default of payment of his rent, or does not execute the conditions of his lease, the proprietor must bring him before the civil tribunal, who will adjudge on all the questions.

2. Evictions are very rare. If the tenant cannot, from any cause, pay his rent, he, to avoid the expenses of proceedings before the tribunal, voluntarily sells all he has on the farm, and leaves quietly.

Improvements.

1. By the landlord.

2. The tenant is bound by the law for the execution of ordinary repairs.

3. Everything belongs to the proprietor, and the tenant has no right in regard to any ameliorations he may have made.

4. No right.

5. It is the proprietor alone who can raise the loans on the guarantee of the land. The tenant cannot give his lease in guarantee of any loan.

Miscellaneous.

1. The relations between landlords and tenants are in general of the most friendly character. The proprietors do all in their power to protect and support their farmers, and the farmers are very obliging towards their landlords.

2. The cultivation of the large farms is by the plough. The farmers live better, and are more considered than the small proprietors.

3. The same.

4. No emigration.

5. Public opinion does not demand any change.

6. No; never. It would be, in the opinion of many, against the constitution.

7. No limitation of proprietary rights.

8. Any limitation of proprietary rights would be contrary to public opinion.

9. No; never.

10. No. The Government does not interfere. Copyholds unknown.

(Signed) E. T. CURRY, *Consul.*

Ostend, January 3, 1870.

No. 3.

Mr. Lumley to the Earl of Clarendon.—(*Received January* 10.)

My Lord, *Brussels, January 9, 1870.*

WITH reference to Mr. Wyndham's Report on Land Tenure inclosed in my despatch of the 12th December last, I have the honour to forward to your Lordship copy of a letter I have received from the Baron de Rasse, Senator, relative to outrages of an agrarian nature in this country. In this letter Baron de Rasse encloses extracts copied from the Register of the Archives of Tournai, which I have the honour to forward in original. They refer to laws passed at different periods for the suppression of crimes of the above nature, and which, as your Lordship will perceive from Baron de Rasse's note, are now of very rare occurrence in Belgium.

I have, &c.

(Signed) J. SAVILE LUMLEY.

Inclosure 1 in No. 3.

The Baron de Rasse to Mr. Lumley.

M. le Ministre, *Tournai, le 5 Janvier, 1870.*

D'APRES la conversation que j'ai eu l'honneur d'avoir dernèremièntavec vous, je m'empresse de vous envoyer quelques documents relatifs au mauvais gré:—

Le premier est un Decret des Archiducs Albert et Isabelle de 1619.

Le second, un Decret de Marie Thérèse de 1752.

Le troisième, un Decret de la même Impératrice de 1778.

J'y joins l'extrait d'un ouvrage constatant qu'en 1821 on se plaignait "du mauvais gré" dans le Tournaiois.

Il y a vingt ans le mal avait fait tant de progrès que le Gouvernement fut obligé de donner suite à des condamnations à mort, pour incendie de recoltes, empoisonnement de bestiaux, et autres méfaits commis pour mauvais gré. Cette crime disparaît insensiblement dans le centre de l'arrondissement de Tournai, mais il se maintient encore dans le village de Rumes et dans les communes frontières de la France du côté d'Orchies. Les propriétaires sont obligés de cultiver eux-mêmes leurs terres ou de les abandonner aux fermiers au taux que ces derniers fixent eux-mêmes. Le mauvais gré se maintient également dans les villages Français le long de la frontière Belge. Il y a quelques années, l'Administration des Hospices de Tournai, qui possédait quelques terres à Sameon (France), ne pouvant obtenir la moindre augmentation légitime sur la location, a été obligée de vendre ces terres aux locataires eux-mêmes à un prix inférieur à leur valeur réelle, mais qui présentait quelques avantages eu égard au taux de location imposé par les fermiers.

Il faut reconnaître cependant que le mauvais gré s'est modifié par suite de l'adoucissement des mœurs. On constate généralement que le fermier évincé ne cherche plus à se venger du propriétaire lorsque celui-ci cultive lui-même les terres qu'il reprend. On remarque d'autre part que le mauvais gré tend à disparaître, là où s'établissent des voies de communication, routes pavées ou chemins de fer, et il disparaît même complètement après quelques années dans les localités où l'industrie vient s'implanter, surtout la fabrication du sucre de betteraves.

Dans quelques villages à l'extrémité du Hainaut, Bruissenal, Frasnes, Ellezelles, il y a de temps en temps des manifestations de mauvais gré, mais elles tendent à disparaître devant l'énergie des propriétaires agissant avec loyauté, ainsi que devant les sévérités de la justice; mais c'est surtout aux progrès de l'instruction et de l'industrie que l'on devra la suppression radicale du mauvais gré,—il appartient à la civilisation de faire disparaître ce dernier vestige de la barbarie.

Veuillez, &c.

(Signé) BARON DE RASSE, *Sénateur.*

Inclosure 2 in No. 3.

Extracts from the Register of the Archives of Tournai.

No. 4.

Mr. Lumley to the Earl of Clarendon.—(Received February 15.)

My Lord, *Brussels, February 12, 1870.*

WITH reference to the papers forwarded from this Legation on the subject of Land Tenure in Belgium I have the honour to inclose copy of a Report addressed to me by Mr. Consul Grattan of Antwerp with reference to a species of contract recognized by the Belgian Law, the object of which is to regulate the loan or hire of cattle or of any animals employed in agriculture or commerce.

Although little used in this country Mr. Grattan thinks it might be advantageously employed wherever farmers for want of capital are insufficiently provided with cattle. Mr. Grattan observes that any system which would have a tendency to increase the employment or facilitate the acquisition of cattle on farms would no doubt be conducive to the interests of agriculture, and might prove especially so to the tenant class in Ireland under existing circumstances, and he adds, that if landlords were generally so

disposed, it might perhaps be possible to introduce a system under which cattle loaned in this manner might, in the course of time by gradual payments, become the property of the tenant.

I have requested Mr. Grattan to inform me, if he can, of the reason why the contract to which he refers is so little used in Belgium.

I have, &c.
(Signed) J. SAVILE LUMLEY.

Inclosure in No. 4.

Consul Grattan to Mr. Lumley.

Sir, *Antwerp, February* 11, 1870.

SINCE the transmission of the Report on the Tenure of Land in Belgium which had the honour to address to you on the 16th of December last, my attention has been drawn to a species of contract recognized by the Belgian Law, the object of which is to regulate the loan or hire of cattle, or of any animals employed in agriculture or commerce.

It has appeared to me advisable briefly to refer to this matter in case the subject should not have been otherwise brought to your notice.

The contract in question is termed a *bail à cheptel*, of which there are three sorts, viz.:—the *cheptel simple*, the *cheptel à moitié*, and the *cheptel donné au fermier*.

Although, it seems, but little, if at all, used in this country, this kind of contract might apparently be very advantageously employed whenever farmers from want of capital are insufficiently provided with cattle.

In default of any special understanding between the parties, the following are the leading principles of law by which these contracts are regulated.*

1. The *bail à cheptel simple* is a lease or contract under which one person lends to another a certain number of cattle or other animals to tend, feed and keep, on condition that all the profits arising out of the natural increase and improvement of the stock, and the wool, are to be equally divided between the lessor and the lessee, the lessee being entitled to the milk, labour, and manure of the animals while under his care,—any loss to be shared equally by both parties. At the expiration of the lease, the full value of the cattle originally placed at the disposal of the lessee must be accounted for by the latter, which renders it of course necessary that the stock should be valued both at the commencement and at the termination of the lease. Neither party is permitted to dispose of any portion of the stock, nor are sheep allowed to be sheared without the cognizance of the owner. The ownership of the cattle continuing to reside in the lessor, it is a principle of law that, in case the animals should be entirely destroyed or lost by some unavoidable accident or calamity, the loss falls upon him alone—*res perit domino*. But should only a portion of the cattle perish under such circumstances, the loss is borne in equal proportions, according to the original valuation, by both parties. The length of the lease may be determined by mutual agreement, but, in the absence of any stipulation, it is held to run for three years.

2. The *cheptel à moitié* is that under which the stock of cattle is furnished in equal shares by both parties, profits or losses being equally divided. All other rules by which the *cheptel simple* is governed apply equally to the *cheptel à moitié*.

3. The *cheptel donné au fermier*, commonly called *cheptel de fer*, is hardly in the nature of a special covenant, but may be considered rather in the light of an accessory stipulation added to the lease of a farm, under which the landlord allows his tenant, for his own benefit, as well as that of the property, the use of a certain quantity of cattle, on condition of the tenant leaving on the farm, at the expiration of the lease, a stock of cattle equal in value to that which he found on it at the time of his taking possession. The term *cheptel de fer*, applied to this particular contract, arises from the cattle attached to the estate being figuratively supposed to be *chained* to it. The owner loses no rights over his property, for which the lessee, however, becomes responsible, so that, unless otherwise stipulated, the accidental loss or even the entire destruction of the cattle must be made good by the tenant, and thus, if at the termination of a lease the cattle is found to be inferior in value to what it was originally, he is also answerable for the deficiency. On the other hand, the tenant profits by the use of the cattle, and, should it have increased in value under his management, is entitled to the excess. The manure produced by the cattle cannot in this case be alienated, but must be exclusively employed

* See Code Civil, Articles 1800 to 1830.

on the farm, otherwise one of the principal objects intended by the landlord in leaving the cattle on the property would be frustrated.

The *bail à cheptel* is founded on the old French common law and local customs, such as the *Coutumes de Berry* and *Nivernais*, which are specially referred to in connection with this subject in Dalloz ("Jurisprudence du Dix-neuvième Siècle"), and is no doubt still in use in France.

I am not aware of any similar custom or practice existing in Ireland; but any system which would have a tendency to increase the employment or facilitate the acquisition of cattle on farms, would no doubt be conducive to the interests of agriculture, and especially to those of the tenant class under existing circumstances. If landlords were generally so disposed, it might perhaps be possible to introduce a system under which cattle loaned in this manner might, in course of time, by gradual payments, become the property of the tenant.

I have, &c.
(Signed) E. A. GRATTAN.

No. 5.

Lord Bloomfield to the Earl of Clarendon.—(*Received February* 21.)

My Lord, *Vienna, February* 17, 1870.

I HAVE the honour to orward herewith Mr. Lytton's Report on the Tenure of Land in this country, which he has drawn up in obedience to the instructions contained in your Lordship's Circular despatch of the 26th of August.

I have, &c.
(Signed) BLOOMFIELD.

Inclosure in No. 5.

Mr. Lytton to Lord Bloomfield.

My Lord, *Vienna, January* 15, 1870.

IN accordance with the instructions contained in the Earl of Clarendon's Circular despatch of the 26th of August last, I have now the honour to request your Excellency to be so good as to forward to Her Majesty's Government the following information relative to the laws and customs regulating the tenure of land in Austria.

I greatly regret that it has not been in my power to submit this Report to your Excellency at an earlier date. Immediately on the receipt of Lord Clarendon's above-mentioned Circular, I commenced the collection of the data from which it is written; but the official replies to my inquiries respecting the tenure of land, &c., in the Cisleithan Provinces of the Empire were only received a few days ago, and I am still awaiting replies to similar inquiries respecting the tenure of land and general condition of agriculture in Hungary.

The whole tenure of land throughout the Austro-Hungarian Empire now rests upon the common basis laid down by the Austrian Land Laws of 1848-9.

As I have already had occasion to state in my preceding Report on the Austrian working classes, it was not till the year 1848 that the feudal system was completely abolished throughout the Austrian Empire. Previous to that period the Austrian peasantry were serfs. They were legally subject to forced labour, and it was by the forced labour of the peasants that the estates of the great proprietors (the feudal seignieurs) were cultivated.

In return for this forced labour, however, a certain portion of land was allotted by his feudal seignieur to the peasant serf, and cultivated by the latter exclusively on his own behalf and to his own profit. Under this régime, therefore, the peasant, although a serf, was also a proprietor.

Subject to certain duties payable on transfer, &c., to his feudal superior, the serf, or bondsman, was legal owner of the land he cultivated. He could sell it; he could mortgage it; he could transfer or bequeath it by testamentary disposition. Practically, all such transactions were impeded by the difficulty, expense and inconvenienee of them; but, legally, the right of transfer, mortgage and bequeathal invested the bondsman with a proprietary character.

The land laws of 1848-49 abolished the feudal system in Austria, with all its privileges, exemptions and monopolies. The Austrian peasant was thereby converted from a peasant serf into a peasant proprietor; that is to say, the conditions of forced service and feudal impost, under which he previously held the land allotted to him, were then removed, and he was invested by the State with the free and unconditional ownership of it. The manner in which this change was effected was by compensation from the State to the great proprietors for the pecuniary value of the feudal rights of which the State then deprived them.

The compensation was fixed and provided for in the following way:—

A Commission was appointed by the State for the evaluation of all the properties on which the above-mentioned change of tenure was to be carried out. In the composition of this Commission, all the great proprietors were fully represented.

The Commission, having calculated the pecuniary value of the feudal rights enjoyed by each proprietor, and the consequent compensation due to each proprietor for the abolition of those rights, presented to the Government its estimate of the total amount.

From this estimated total, the Government cancelled one-third. Two-thirds remained to be provided for. The amount represented by these two-thirds, the State undertook to pay in 5 per cent. bonds, the whole debt being redeemable in forty years by annual drawings at par. To carry out this engagement, therefore, it was necessary to provide not only for the annual interest on the debt, but also for its redemption by means of a sinking fund, within forty years.

One-third of the amount necessary for this purpose is provided for by a tax levied exclusively on the new peasant proprietors, and regarded as the price payable by them to the State for the immense advantage which they have derived from the Legislation of 1848. The remaining one-third is assessed as a sur-tax on the local taxation of each province, and annually voted as part of the local budget by each of the Provincial Diets.*

The result of this arrangement is, that of the total amount of compensation assigned by the Land Commission to the great proprietors, one-third has been altogether disallowed by the State, and one of the remaining two-thirds is raised by a tax levied upon the great proprietors themselves. Virtually, therefore, the compensation they receive for the abolition of their feudal rights is only one-third of their estimated pecuniary value.

The great proprietors generally (and, so far as I am competent to judge, justly) complain of this. But there are, at the present moment, very few of them who are not ready to admit that, in despite of this apparent injustice, in despite also of the great inconvenience and heavy pecuniary loss to which they were subjected by the suddenness of the change through which they have passed, that change has been on the whole decidedly beneficial to themselves, as well as to all other classes of the population, from an agricultural no less than from a social point of view. The improved condition of the peasant is, in most provinces of the Empire, conspicuous. The great proprietors constrained, in order to escape ruin, to cultivate their estates more carefully, have supplied the place of forced labour by greater scientific knowledge, and more efficient machinery. The result is that many of them have doubled and some have trebled the income of their properties since 1848, whilst the average market price of land has risen at least a hundred per cent., and in some provinces still higher, in that period.

It is obvious, however, that, whatever may be the benefits derived in Austria from the Austrian Land Laws of 1848, they could not be expected from the application of those laws, or laws based on the same principle, to any country—such as England or Ireland—where the system of tenant-farming is universal. That system has never at any time been prevalent in Austria.

The laws of 1848-49 created, it is true, an entirely new class of peasant proprietors, and that class is now, on the whole, a thriving one. But those laws left intact the old class of great proprietors, whose properties are at this day as large as (and much better cultivated and more remunerative than) they were previous to 1848. The Legislation of 1848 in Austria did not turn tenant-farmers into proprietors, for the bondsmen whom it emancipated already were proprietors. It simply converted feudal proprietorship into free proprietorship. It did not deprive the great proprietors of their properties; it only deprived them of certain feudal rights over the property of others.

* These bonds are called "Grund Enlastung," or Land Disincumbrance Bonds. They are issued for every province separately; the amount in each province limited to the sum fixed by the Commissioners for indemnities to the landowners of the province. The bonds are given to each landlord in proportion to the amount of his claim for indemnity as established by the Commission.

But the same legislation applied to Ireland or England, or any country where the whole soil is cultivated by tenant-farmers, would sweep away altogether the entire class of existing proprietors, and deprive them of that for the forcible deprivation of which no compensation is possible. In short, the legislation which was, in Austria, a reform, would, in Great Britain, be a revolution.

It is for this reason that I deem it unnecessary to dwell at greater length on the Austrian Land Laws of 1848, and I have only thus cursorily described their general principle and mechanism, in order to avoid the necessity of constant reference thereto in the course of those answers which I now proceed to offer to the queries accompanying Lord Clarendon's Circular of the 26th of August.

II.

(A.)—Small Proprietors.

1. (*a.*) In the Alpine districts of Austria (the Tyrol, for instance, Salzburg, Carinthia, a great part of Styria, and the mountainous parts of Upper and Lower Austria), the average size of peasant properties is from thirty to forty acres; and in some parts of the country, where the woods are not State property, many peasant proprietors own as much as from 1,500 to 2,000 acres a-piece, about 1,000 acres of all such properties being entirely woodland.

In the mountainous districts, where intercommunication is difficult, these small properties are generally held together. In the lowland country they are often intersected by other estates, or held in separate lots.

(*b.*) In those provinces where agriculture is most scientific and most productive, viz., Bohemia, Moravia, and Silesia, it is practised on a large scale; and the greater part of the soil is in the hands of the great proprietors, who, from time immemorial, have possessed estates of wide extent. Each of these great domains may be reckoned, on the average, at not less than 10,000 acres of arable land, and from 6,000 to 10,000 acres of woodland. The area of many of them is even as much as 60,000 acres. They are cultivated with great care and skill, on the most approved methods. About one-third of the whole land of Bohemia is absorbed by these large estates.

The petty estates belonging to peasant proprietors form but a very small proportion of it. The average extent of such estates is from fifteen to fifty acres. But a very large number of the Bohemian peasantry possess only a small patch of garden ground; and, as the produce of it is insufficient to support them, this class of the peasantry hire themselves out as agricultural labourers to the larger proprietors. The proportion of the larger properties of the Bohemian peasantry to these small ones is one to three.

(*c.*) In Upper Austria (exclusive of the mountainous districts above-mentioned), small proprietors are the predominant class. The average size of a peasant property in the lowland country of Upper Austria is from forty to sixty acres. But many of these properties are ~~not~~ less than from 200 to 300 acres in extent.

(*d.*) In Lower Austria (exclusive of the mountainous districts above-mentioned), the state of agriculture and the distribution of landed property are similar to those of Bohemia and Moravia. Here large properties prevail, and form about three-tenths of the whole productive soil of the province, with a total area of 1,009,816 acres.

(*e.*) In the lowland districts of Styria and Carniola, the land is chiefly in the hands of small proprietors. In the last-named province especially, the dispersion of property is very great. This fact is chiefly attributable to the conquest of the province by Napoleon I. As part of the kingdom of Illyria, Carniola was thereby subjected to the French code, which abolished all previously existing limitations of the right of division and descent,—limitations which were not abolished in the other Austrian provinces until last year.

(*f.*) In Galicia, three-fifths of the whole productive soil of the province is cultivated by large proprietors, whose estates vary in extent from 1,000 to 20,000 acres. A property of tweny acres is in that province considered sufficient to maintain a peasant family. Some peasants, however, only possess from one to two acres of land a piece; and these, like the same class in Bohemia and Moravia, maintain themselves and families by the wages they earn as agricultural labourers. The local tribunals greatly facilitate the dispersion and division of land in Galicia.

(*g.*) In the Bucovina, again, large estates prevail. These large estates, however, chiefly consist of woodland; and some of them are of gigantic extent. The Radantz

and Kempolung domains, for instance, which until the other day were State property, comprise forests which cover 164,000 and 117,000 acres of land.

2. The Austrian Civil Code regulates the division and descent of all the assets of every deceased Austrian citizen, and consequently of all immoveable as well as moveable property left by the deceased. The law regulates descent and division according to the following principles:—

If the deceased has left a will, and, of course, assuming the will to have been proved valid, the law assigns the property of the deceased to the instituted heir or heirs, or legatee or legatees.

If the deceased has died intestate, the law assigns his property to his legal heirs. that is to say:—

(1.) To his children and their descendants:

(2.) To his father and mother, together with his brothers and sisters, and their descendants:

(3.) To his grand-father and mother, together with the brothers and sisters of his parents, and their descendants:

(4.) To his first great-grandfather and mother, together with their descendants:

(5.) To his second great-grandfather and mother, together with their descendants:

(6.) To his third great-grandfather and mother, together with their descendants.

Each of these lines excludes the next succeeding ones.

Under certain circumstances, the legal right of inheritance can also be claimed by the illegitimate and by the adoptive children, and by the surviving spouse of the deceased.

In regard to immoveable property, no preference is accorded to eldest sons.* For instance:—If there are three sons and two daughters surviving, the law divides the estate of a deceased intestate in five equal portions between these, his five children. An exception exists in the case of family entails ("majorats"). But these majorats cannot be constituted without the consent of the legislative power. The law of succession with regard to entails and majorats is governed by the constituent charter (whether last will and testament, family treaty, or other deed) of the founder of the majorat; and this instrument, is as above-mentioned, subject to the approval of the legislative power.

3. All immoveable properties in Austria, such as estates, houses, &c., are inscribed upon the books of the Public Registration Office; and the legal possession of all such properties, as also of the rights therein vested, can only be secured by the entry in the public register of the names, titles, claims, &c. of the proprietors, usufructuaries, mortgagees, &c.

These entries are executed by the Office of the Registrar-General, and are conditional upon a judicial decision in favour of the claims entered. This decision is only issued after the deed of sale, transfer, exchange, &c., has been proved, and found by the competent court sufficient to establish the legal claim or title in favour of which it is granted. Without such an appropriate deed or document, no entry can be effected in the public registers.

The duties payable for these entries vary from 1 per cent. to 3½ per cent. of the value of the immoveable property to be transferred; and they are assessed in proportion to the time which has expired from the date of the preceding transfer. The duty payable on mortgages is 1 per cent. on the amount to be mortgaged.

4. Special facilities for raising loans upon immoveable property are afforded by special public companies, banks, savings' banks, &c. All these establishments are independent of the State; although, in point of fact, some of them have been constituted under Government protection, and endowed by Government with special privileges. The terms of these establishments for loans upon landed securities are generally either repayment at a fixed date, or six months or a year after notice; or else by instalments, within from 15 to 32 years.

5. They are in general not heavily mortgaged. The cases in which a property is mortgaged for more than half its value are quite exceptional. A few years ago the total aggregate value of all investments on mortgage throughout the whole empire was estimated at from 15 to 1,800 millions of florins. There are no official statistics for the last two or three years. The usual rate of interest was, till quite recently, 5 per cent. But two years ago the laws against ursury were abolished, and since then the rate of interest has risen to 6 per cent. But this rise in the rate of interest has been accompanied by a considerable increase in the annual number of loans upon immoveable property. In connection with this, and the preceding question, I may here mention that an immense impetus was given to the establishment of credit banks and companies, &c., by the change effected in position of the agricultural classes under the

* Here the assumption is, of course, that the deceased has died intestate.

operation of the Austrian Land Laws of 1848. Indeed, so far as I can ascertain, no institutions of this kind existed previous to that period. The most important of those now existing are the Austrian "Credit Institute," with a special capital of 40,000,000 for loans on mortgage; the "Mortgage Bank of Bohemia;" the Austrian "Boden Credit Anstell;" the "Agrar Bank;" and the Galician "Provincial Credit Institute," which is an establishment of older standing. The total number of these establishments, however, is insufficient to meet the demand of the owners of land. The highest interest at which these banks advance money on landed security is 7 per cent., their usual rate of interest being, as before stated, 6 per cent. It is the opinion of the Government that this rate of interest is too high to afford effectual relief to the wants of the landed proprietors, especially the small proprietors; and that it is out of all proportion to the produce of the land. Landed proprietors can only afford it by combining agricultural with commercial or manufacturing industry. The loans on mortgages made by these banks and companies amount only to 6 per cent. of the total loans on mortgage. The remaining 94 per cent. are invested by private capitalists and savings' banks.

The whole amount of the landed property of the Cisleithan division of the Empire was, in the year 1857 incumbered with an aggregate debt of 1,085,321,409 florins (108,532,140*l.*, assuming the exchange to be at par), of which 379,893,098 florins fell on "seignorial" property. The value of the whole area of productive soil throughout the Cisleithan Empire, was, in the same year, about 5,538 millions of florins, consequently the proportion of the mortgage to the value of the land was 1 to 20.

6. This question has been already answered. (See answers to question 4.)

7. The chief agricultural produce of the Cisleithan Provinces is corn. In Bohemia, Moravia, Austria Proper and Silesia, however, hemp, flax, rape seed, and hops are also grown; and in Galicia and the Bucovina tobacco is cultivated. In Bohemia not only hops are largely cultivated, but also potatoes and clover; which latter is also one of the principal crops grown in Styria, Moravia, Carniola, and Austria Proper. Turnips and beetroot are especially cultivated in Austria Proper, Bohemia, Moravia and Galicia. The modes of cultivation differ in the different provinces.

(*a.*) In the lowland districts of the Alpine countries the triennial system (with half the fields laid-up) prevails. In the highlands of the same countries corn is sown for two or three successive years, and then the land is turned into pasturage for two or even sometimes for from four to five years. The soil is dunged every third or fourth year with from three to four cwt. of stable dung per acre.

In the highlands of Styria the woods, or portions of them, are occasionally felled (not stubbed), the brushwood burnt, and the soil thus temporarily won for agricultural purposes is sown.

In Bohemia, Moravia and Silesia the system followed by the great proprietors is chiefly that of annual rotation. The peasant proprietors follow the triennial system with partial, and sometimes even entire, cultivation of the fallow ground. In proportion, however, to their capital and intelligence, the small proprietors adopt the system of the great ones.

The system followed on the flats of Lower Austria is the triennial, with half or all the fields laid up. The biennial and quadriennial system of cultivation is very rarely followed anywhere. The methods of manuring are, for the most part, defective.

In Upper Austria (with the exception of the highlands) the triennial system is universal. The fallow grounds are generally sown, with clover chiefly, and also with turnips, cabbage, flax, and hemp.

In Lower Styria and Carniola the rotation system is not yet practised, and there is a marked decrease of production. The principal produce of these provinces is maize, beans, gourds and potatoes. With these crops the farmers generally mix other vegetables. For instance—with winter corn, lents on the edges; with summer corn, poppy, beans and carrots or potatoes, with millet and hemp, &c. In some parts of Lower Styria, however, they sow in regular succession—1, maize; 2, wheat; 3, turnips or potatoes; 4, rye, and, as after-seed, buckwheat.

In the Bucovina, no regular farming system is followed. In Galicia, the farming system approaches to the triennial; but with no systematic succession. Maize is often sown for six successive years. One of the chief obstacles to the improvement of agriculture in that province is, I am informed, the universal employment of the laid-up fields as pasture ground. The manuring of the soil on the small properties, too, is very insufficient. The great landed proprietors have lately adopted the system of rotation of crops, in a modified form, leaving the land fallow at certain intervals. They manure every 8 or 10 years (4 cwt. to the acre).

(*b.*) With regard to the second portion of this question which refers to the raising and pasturing of stock, and the proportion between tillage and grass land, I beg to offer the following information:—

(1.) In the highlands the breeding of horned cattle is practised on a large scale, and with great success. The system adopted is the "almwirthschaft" (or Alpine system). The peasants, in these parts of the country, usually possess, besides their lowland farms, large pasture-grounds on the upland; and these pasture-grounds form the chief part of the peasant properties in those provinces where they exist.

Thus, in Salzburg, three-fourths of the landed property of the whole province consists of woodland and mountain pasture, and only one-fourth of tillage and meadow.

In Styria, the proportion between tillage and grass land is 1 to 4. The cattle are driven to the lower parts of the highland range towards the end of May. In the middle of June they are driven up to the higher parts, where they remain till the end of September. Their winter food is scanty, consisting only of hay and straw, with occasionally turnips; clover is given only to the horses. Sheep also are bred and fed in these countries, at an elevation of from 7,000 to 9,000 feet.

(2.) In Bohemia, Moravia and Silesia, where the average proportion between grass land and tillage is 18 to 5 (in Bohemia 49 to 17; in Moravia 52 to 19; in Silesia 49 to 20), live stock are fed not only on natural pasture of all kinds, which is very abundant, but the leys and refuse sold by the various distilleries, breweries and sugar refineries also serve as food for cattle.

It is only by the great proprietors that live stock is raised on a large scale; these proprietors are great breeders of sheep. The peasant proprietors in the above-mentioned provinces also breed sheep, but of coarser wool, and in smaller quantities.

(3.) In Upper Austria there is but little grass land, and no great breeding of cattle. Cows are often used for draught. The stock of sheep is small. The cattle are fed on straw and sour hay.

(4.) In Lower Austria the proportion of grass land to tillage is 1 to 2·17 (viz., 1,396,791 acres in tillage, 387,542 acres meadow, and 157,837 acres pasture). The quantity of live stock raised in this province is large in proportion to the extent of natural pasture. The food for cattle is chiefly provided by the breweries in the neighbourhood of Vienna. The cows are fed on lucerne and fodder maize; large quantities of milk and other dairy produce are produced. Sheep breeding is also extensively carried on in this province. The great proprietors breed fine wools; the small proprietors coarse wools. The abolition of the seignorial rights of pasture has diminished the quantity, but the quality has improved.

(5.) In Lower Styria and Carniola very little live stock is or can be bred. Here horned cattle is rarely fed in stall; even in winter it is usually turned out to graze on the heaths and commons. The regular winter food of the black cattle is foliage and copse, and when yet very young it is often used for draught; hence the breed is bad. The minute division of property and the stoney character of the soil in these provinces is unfavourable to the cultivation of meadows. The proportion of tillage to grass land (including pasture) is 10 to 7.

(6.) In the Bucovina stable-feeding is only adopted by the German settlers. In the lowlands tillage and garden ground cover from 30 to 60 per cent. of the whole soil, and grass land only from 26 to 40 per cent. In the highlands tillage and garden ground are only 2 per cent., and grass land 28 per cent. of the whole soil.

The reason of this is that 70 per cent. of the whole soil is woodland, and the population of the highland country too spare for the tillage of large fields; hence the wide extent of grass land, which needs no cultivation. Sheep are bred here in large quantities. The flocks and herds remain out nearly the whole year round, and their winter food is mostly moss, copse and thistles.

(7.) Galicia exports large quantities of black cattle (more particularly oxen), but these are not raised in the province itself. The great proprietors purchase them in Russia during the autumn, and sell them after feeding them up during the winter on the dregs and wastes of the distilleries and breweries, &c. A few of the great proprietors have lately introduced fine breeds of sheep. The proportion between tillage and grass land (pasture being included in the latter) is 1·9 to 1. The grass is mostly of bad quality. The average produce of the commons is 4½ cwt., and of the meadows 14 cwt. per acre.

8. (*a.*) In the mountainous parts of the country machinery is rarely employed, and agricultural implements are mostly of a very primitive kind. In the Noric provinces the double plough is generally used.

Hired labourers also are rarely employed in these parts. Some cottiers there are

who find employment as hired labourers on the same farm all the year round; but of hired day labourers, in the ordinary sense, there are none, the agricultural labour of these parts being almost entirely furnished by domestic and farm servants. The cost of one such servant is estimated at from 120 to 200 florins (12*l.* to 20*l.*) per annum.

(*b.*) In Bohemia, Moravia and Silesia, machinery is largely employed not only by the great, but also by the small, proprietors. It is all of very good quality. A complete system of drainage (though not tile drainage) has been known and practised for centuries in these provinces. The meadow cultivation here is declared by competent judges to be excellent. The price of agricultural labour is low, owing to the density of the population, which in many parts is considerably over 5,000 to the square German mile. The average rate of wages is from 50 to 70 kreutzers per diem for a male, and from 30 to 50 kreutzers for a female labourer (1*s.* to 1*s.* 4½*d.*, and 6¾*d.* to 1*s.*). Men farm-servants' wages are from 25 to 40 florins (2*l.* 10*s.* to 4*l.*); maid-servants' from 15 to 20 florins (1*l.* 10*s.* to 2*l.*), with their clothing partly found by the proprietor, and part of their wages in kind.

(*c.*) In Upper Austria machinery is little used, and drainage little practised. The peasants there keep so many domestics that they can dispense with hired labour, even in the busiest season of the year. Men and maid servants are well paid and fed. A good man-servant's wages are from 60 to 80 florins (6*l.* to 8*l.*) a year, a good maid-servant's from 50 to 70 florins (5*l.* to 7*l.*). The daily rate of wages (in addition to board found) is 40 kreutzers (9*d.*) in summer, and 30 kreutzers (6¾*d.*) in winter. The annual cost of a good farm-servant is from 110 to 150 florins (11*l.* to 15*l.*).

(*d.*) In Lower Austria machinery is employed by most (though not all) the large proprietors, and the most modern steam-ploughs and sowing-machines are much used.

The number of agricultural labourers is 159,000. The number of proprietors 116,000. Except in the manufacturing districts, the supply of agricultural labour is sufficient. In those districts, owing to the greater demand, the rate of daily wages is 1 florin (2*s.*); elsewhere it is only 40 kreutzers (9*d.*).

(*e.*) In the lowlands of Styria and Carniola, for the reasons already mentioned, the condition of agriculture is altogether very bad. No machinery. Wages exceedingly low.

(*f.*) In Galicia and the Bucovina machinery is only employed by a very few large proprietors.

In the last-mentioned province the scarcity of labour is so great that contracts are frequent between the great and small proprietors, whereby the former provides the land and seed, the latter the labour, and the produce is divided between them. In Galicia labour, though not abundant, is less scarce. The peasant generally keep no servants, and the small proprietors often hire out to the large ones the labour of themselves and families.

9. Throughout the Empire emigration of agricultural labourers is very rare. In some parts of Bohemia only, which suffer from over-population, agricultural labourers emigrate to America, Russia and Hungary.

10. The small proprietor generally lives on his property. The great proprietor often resides elsewhere, and manages his estate indirectly by means of a steward. It is, however, unprofitable to obtain detailed information in reply to this question.

11. In most of the provinces, and especially in Upper and Lower Austria, the small proprietary is decidedly flourishing; the owners of small properties are able to maintain themselves in a considerable amount of comfort. Their mode of life is less expensive, less luxurious and more primitive than that of our great tenant farmers; but it is an easy and independent one, and they are a well-contented and well-to-do class. In Galicia, notwithstanding the natural fertility of the soil, the condition of the peasantry is by no means good. They live in wretched and flimsy tenements of wood and clay, their small properties are destitute of farm-buildings, their fare is of the coarsest description; they are, in short, altogether a backward class. But I am informed by some of the great Galician proprietors that since 1848, and in consequence of the change then effected in the tenure of land, the condition of the Galician peasantry has greatly improved, and is still improving.

12. The replies to this question will be found, at least so far as I am yet able to furnish replies thereto, in the Statistical Tables at the end of my Report.

13. So far as I am competent to judge, a favourable opinion as to the results of the Land Laws of 1848, though not unanimous, is decidedly prevalent.

(B.)—Tenants and Sub-Tenants under Landlords.

From all the preceding statements it will already have become apparent that the tenant-farming system, common to Great Britain and Ireland, is practically unknown in the Austrian Empire. Here the tenant system is quite exceptional, and unmarked by any interesting feature. The only parts of the Empire which furnish occasional instances of tenant farming are, Görz, Gradiska, Istria, Dalmatia, and a part of Carniola. It is, therefore, to these districts that the following reply to Question 1 (B) must be understood as applicable only:—

The last-mentioned provinces, which are traversed by the Karst Mountains, have a rocky barren soil, in which only dells and slopes here and there are covered with black earth. These patches of tillage and grass land are small: their cultivation is rendered exceedingly irksome, both by physical conditions and a great deficiency of labour. For these reasons, the proprietor, instead of cultivating them himself, generally lets them to the colons. Properties of this kind sometimes cover 20,000 to 30,000 acres. But only a very small portion of them is productive; and the amount of land farmed by the colons is generally very small also, because the colon only farms as much land as he can cultivate by means of his own family, without hired labour.

2, 3, 4, 5, and 6. All these questions I have taken leave to place together; because, as they all have reference exclusively to the principles and practice of Austrian jurisprudence in regard to the conditions of tenancy, I think they will be most conveniently answered by a short exposition of the law of this country, so far as it bears upon each of the points therein enumerated.

If Question 2 be assumed to have only in view the legal character of a simple lease resting on contract between the owner and administrator or manager of an estate, the answer to it must be sought in Articles 1090 to 1121 of the Austrian Civil Code.

From these Articles, which are lengthy, I will here extract only so much as appears to have special reference to the questions raised.

Article 1095. "If the contract for hiring is entered in the public books, the right of the person hiring is to be considered as a real right, which the consecutive possessor must submit to for the remaining time" (Question 4, B). The Austrian system of property sequestration has already been described. Vide answers to Questions 3 and 6 (A).

Article 1096. "The lessees and lessors are bound to deliver an dmaintain the property farmed or let in a serviceable state at their own expense, and not disturb the tenants in the stipulated use or engagement thereof. The farmer has himself to bear the usual repairs of the farm-buildings only so far as they can be covered with the materials of the estate, and the services which he is justified in demanding according to the qualification of the estate; but the other repairs he must give notice of to the lessor, in order that he (the lessor) may provide for them."

Sub-tenancies.—Article 1098. "Tenants and farmers are authorized to use and employ the things farmed and let for the time fixed by the contract; or to give them in second hand hire, or subtenure, when this can be done without disadvantage to the proprietor, or has not been expressly forbidden in the contract" (B, Question 2).

Duration of Tenancy in the Absence of Agreement.—Article 1116. "In so far as the duration of a contract for letting or hiring * has not been determined either expressly or tacitly, or by particular stipulation, he who wishes to dissolve the contract must give six months' notice to the other in case a lease has been contracted; in case an immoveable thing has been let, a fortnight's notice; and for a moveable thing twenty-four hours' notice before the delivery is to take place" (B, Question 3).

Tenancy of Alienated Property.—Article 1120. "If the proprietor has alienated and delivered to another the thing let or farmed, the tenant must give way to the new possessor, after the proper notice, if his right has not been registered in the public books. But he is justified in demanding full compensation from the lessee or lessor for the damage suffered or the profit lost thereby."

Article 1121. "In case of the necessary judicial alienation the tenant must give way to the new buyer, even when his right is registered as a real right; only, in regard to compensation, the right of preference is reserved to him."

* Article 1090, "The contract whereby some one receives the use of an inconsumable thing, for a certain time and for a fixed price, is called in general a contract for hiring." Article 1091, "The contract for hiring is called a deed of conveyance when the thing hired can be used without being worked, but a lease when it can only be used with application and trouble."—Austrian "Civil Code."

With regard to the subject of Question (B) 3, I may here mention that, in the seventeenth chapter of the Austrian Criminal Code, which treats of contracts in general, it is laid down by Article 863, that will and intention can be declared "not only expressly by the words and signs generally adopted, and also tacitly, but also by such acts as, in consideration of all the circumstances connected therewith, admit of no reasonable doubt."

From the foregoing extracts it will have been seen, (1) that the nature of the tenure and its duration are commonly determined by the terms of the contract between landlord and tenant. Where the relations between the contracting parties are undecided by express stipulation, the law decides them by reference to such acts of the contracting parties as supply the place of explicit declaration; and where these also are wanting, by the apparent will and intention of the contracting parties. Tenancies, however, are generally created by written agreements; and, in the absence of express stipulations as to duration of tenancy, the law authorizes the termination of leases on short notice, although, as a general rule, notice to quit cannot interrupt the completion of the ordinary lease year.

Conformably with Articles 1117 and 1118 of the Civil Code, moreover, the tenant is legally entitled to throw up his contract before the stipulated expiration of the lease, when an important part of the thing let or farmed has become unserviceable by accident, or is withdrawn for a longer time, or when the lessor or lessee no longer maintain it in a serviceable state. Similarly the lessee or lessor can, on his part, demand the previous dissolution of the contract, when circumstances arise, which will be found stated under the head of Rent, in answer to Question 3 of that section of Lord Clarendon's Circular.

2. Sub-tenancies are assignable by the tenant, without the consent of the landlord, unless the contract of lease contains stipulations to the contrary.

3. Written agreements can be registered in the manner already described, but the registration of them is not obligatory. If, in addition to the personal rights which a tenant has already acquired by virtue of the written agreement between him and his landlord, he desires to obtain or secure a real right in the estate of the landlord, it will probably be necessary for him to register the written agreement in the public books as an incumbrance on the estate of the lessor, and the latter may, for divers reasons, be disposed to grant such a security. But the registration of ordinary written agreements between landlord and tenant is not common.

4. There is no law whatever which expressly gives to a tenant the right of selling his interest in his farm. But the law accords to every Austrian citizen the right of selling his property and assets; and the law regards as the property of the tenant those rights which accrue to him by virtue of the agreement concluded between him and his landlord. Therefore there can be no doubt that the tenant, when not restrained by contract from acting on his abstract right, can legally sell his farm. In point of fact, however, leases are almost invariably drawn with a proviso, especially prohibiting the sale of the tenant's interest in his farm, without the special consent of the landlord, and for the obvious reason, ~~that the~~ solvency and personal character of the farmer are matters of paramount importance to the landlord in the granting of leases.

But there are other forms of tenure (besides those which are created by simple leases) which Questions (B), 1, 2, 3, 4, 5, and 6, may be supposed to have in view. There are, for instance, those which are created by what Austrian law terms onerous or obligatory contract, and also those which involve divided or limited possession.

It is, in speaking of the latter, that I shall have occasion to answer Question 5 (B).

Contracts of the first-named description, that is to say, which have for their object services to be rendered by one person to another, do not confer upon the tenant any real right in the estate (any more than a contract for lending *commodatum*), even when such contracts have been entered in the public registers. The right of the tenant in such cases is only analagous to a real right, in so far as he cannot be disturbed in the exercise of it by any new proprietor of the estate.

The case is different as regards those tenures in which a division of the rights of property is presumed, and such a division is always presumed by the Austrian Civil Code in regard to fee-farms and copyholds.

The nature of these tenures is thus defined by Articles 1122 and 1123 of the Civil Code:—

Article 1122. "The contract by which the 'dominium utile' of an estate is delivered to some one as hereditary property, under the condition that he will pay for the yearly usufruct thereof a yearly fee, in proportion to the value of the produce (consisting

either of money, produce, or service rendered), is called an hereditary fee-farm ("locatio conductio hereditaria").

Article 1123. "When an insignificant fee is paid by the possessor only in acknowledgment of the right to the estate, the estate is called copyhold ("prædium emphyteuticum"), and the contract concluded in regard to it is called a copyhold-contract ("contractus emphyteuseos").

It is these tenures only which furnish the case contemplated by (B), Question 5. For it is only in these cases (when the hereditary right of property is divided between the lessor and the lessee) that the lessee can legally maintain himself in undisturbed possession of the estate he tenants, even against the will of the lessor, provided he continues to discharge the duties stipulated in regard to the preservation and management thereof, and to pay the stipulated rent. The law even assumes that the rent is not to be raised above the stipulated rate; but it also assumes that rate to be fixed in proportion to the annual produce of the estate, and to form an aliquot part of the same, the amount of the rent rising, in the same relative proportion, with every increase in the value of the produce. This, at least, is the case in regard to fee-farms, but not in regard to copyholds, the rent of which (for the reasons stated in the above-quoted Article 1123) is not variable.

It is, I think, unnecessary to enter into the distinctions maintained by the Austrian Civil Code between "paramount property" and "dominium utile," because these distinctions have lost nearly all practical importance since the abolition of the "nexus subditelæ," the backbone of the feudal system, in 1848. "Seignorage" and "socage" then disappeared throughout the Empire. The Civil Code, however, which was promulgated in 1811, was not introduced till some years later into the Lombardo-Venetian Kingdom, Dalmatia, Görz, Istria, the German and Italian Tyrol, and Salzburg. In these provinces the Civil Code, even at the present moment, remains only partially operative, owing to various local circumstances, and chiefly to the impossibility of establishing there the complete system of obligatory land registration which is contemplated by the Code, and by which its operation is elsewhere sustained.

Owing to that circumstance, great uncertainty of tenure still prevails in some of the above-mentioned provinces. But, even if it were possible to obtain a complete collection of the various judicial decisions to which they have given rise, I venture to think that such decisions would contribute nothing to the legal solution of any social or political difficulties, attributable confusion, or uncertainty of tenure which have their origin in the totally different circumstances of Ireland.

Rent.

1. Usually by share of the produce; the proprietor often, but not always, supplying the seeds and manure. In the most fertile, and parts of those few provinces where tenancies exist the tenant's share is one-half or one-third, and in the less fertile parts three-fifths or four-fifths, of the produce.

2. In reply to this question I can obtain no reliable data. Rent is usually paid half-yearly.

3. This question has been partly answered already. The lessor of a fee-farm can in no case raise the rent. The ordinary lessor (unless expressly so entitled by the terms of the lease contract) is likewise without any legal power to raise the rent, in a direct manner. But, in point of fact, he can, and does practically, effect that object (viz., the raising of the rent) by the indirect means of eviction, that is to say, immediate dissolution of contract. He must in that case, however, give six months' notice to the tenant; and the law only authorizes eviction, in any case, on the grounds of (1) essentially injurious use of the property by the tenant, (2) non-payment of rent, (3) when a building which has been let must be rebuilt.

If, after due warning, all arrears of rent are not paid up by the tenant at the expiration of the term, an ordinary lease is voided by the withdrawal of the estate from the tenant. If the fee of a fee-farm remains in arrear for more than a year, the lessor can demand either distraint on the produce of the farm, or the judicial sale of it to a new fee-farmer.

4. The Law of 1868 enables the landlord to seize the effects of the tenant to the value of half-a-year's rent, for ordinary claims, and to the value of a whole year's rent, for the recovery of claims for rent; and claims for rent have precedence over all others. It has been already mentioned, in reply to Question 2 of this series, that rent is usually paid half-yearly (sometimes it is paid quarterly); but I should mention here that it is also, as a general rule, paid in advance, and the punctual payment of it is secured by

caution-money, which the tenant deposits in cash, Government paper, or mortgage, to the amount of from 10 to 50 per cent. of the yearly rental. The right of seizure extends to moveable property belonging to the tenant on the land, or which, though not actually on the land, can be proved to be for use connected with the land. The landlord is also entitled to demand security for rent due, without proof of a probable deficit, and without the production of any written agreement or other document in support.

In cases of eviction for non-payment of rent, the tenant is not allowed to redeem. The only legal means of eviction are by action brought before a competent tribunal; and eviction can only legally be effected in conformity with a judgment obtained from such a tribunal, in due form of common law. It has already been mentioned, in connection with preceding questions, that the Austrian Civil Code only recognizes certain grounds of eviction as legal. On no other grounds than those enumerated in reply to Question 3 of this series can a tenant be legally evicted from his holding. From this fact it is obvious that, as no tenant can be arbitrarily evicted, and no landlord can evict a tenant except in virtue of a judgment obtained upon legal grounds, there are no legal means whatever for resisting eviction.

A remission of the rent of the farm can be demanded by the farmer, when the produce of an estate, farmed only for one year, has been reduced to more than half the usual produce in consequence of extraordinary occurrences. If the farmer maintains that he is entitled to the remission of the whole farm rent, or a part of it, either in virtue of the contract, or the law, he must, without loss of time, give notice to the lessor of the misfortune on which his claim is founded, and must cause the facts thereof to be investigated (if they be not notorious), either judicially or by, at least, two experts. Without this precaution his application will not be listened to. On the other hand, the right of the lessor to compensation for damage sustained by his property in consequence of misusage on the part of the tenant or sub-tenant, expires altogether if the enforcement of it, on legal grounds, be not judicially demanded within one year after the farm has been returned to him. At the expiration of the lease the tenant is bound to deliver back the farm in the usual agricultural state of cultivation, with reference to the season at which the lease expires; and no objection, on the ground of compensation due, or even of the previous right of property, can release the tenant from this obligation.

The farmer is bound by law to keep the farm buildings in repair; but only in so far as the expense of such repair is covered by the materials and services of the estate. If the tenant has incurred any necessary or useful expense properly belonging to the lessor, on behalf of the property let, he is by law considered as a manager of a business without mandate; and a manager of a business without mandate is thus defined by Act 1036 of the Civil Code:—"Whoever manages the business of another, in order to prevent imminent damage, although he was not called upon to do so, is entitled to demand compensation for the necessarily and properly incurred expense from the person whose business he has managed, even if his endeavours have remained fruitless without his fault."

But, in order to obtain compensation on this ground, the tenant must demand it judicially within six months after giving up the farm, otherwise he loses his title to it.

Evictions.

1. This question has been completely answered in my reply to the preceding one (*vide supra*), with the exception of that part of it which refers to notice to tenants. If the lease contract expressly stipulates the giving of notice, the time and manner in which notice must be served are governed by the terms of the contract. If the contract contains no stipulation on this point, the law allows six months' notice.

2. No statistical information whatever can be obtained on this subject. My impression is, that evictions are certainly not frequent. It must be remembered, however, that the tenures which admit of eviction are also exceedingly rare.

Improvements.

1. This is a question commonly determined by the terms of the contract between landlord and tenant. When it is not the subject of contract in cases of ordinary lease, the principle laid down by the law is, as already stated (*vide* answer to Rent, Question 4), that the farmer bears such expenses as are covered by the materials of the estate, and the landlord all others. Improvements, therefore, are, practically, at the charge of

the landlord. In cases of fee-farm, however, the fee-farmer, as "dominus utilis," bears all such expenses. Here I may as well mention that the tendency of Austrian legislation is to get rid of fee-farms and copyholds.

2 and 3. The law allows and provides no special security for improvements to tenants. It does, however, recognize claims on their part to compensation under various conditions, and in various circumstances. The extent to which such claims are recognized by law has already been fully pointed out in my reply to Rent, Question 4, *et ante*, whereby it will have been seen—(1) in what cases the tenant is regarded by the law as "the manager of a business without mandate;" (2) that no claim to compensation can relieve the tenant from the obligation to evacuate the farm, and to restore it in proper condition, at the expiration of the lease; (3) that claims on the part of tenants, for compensation made, must be embodied in a judicial demand within six months after the delivery of the farm to the landlord, on pain of forfeiture.

4. By reference to the inventory, which is generally drawn up by experts. In case the contracting parties cannot agree as to compensation claimed on one side or the other, the lessor, or lessee, may demand (on the ground of the existing inventory) a judicial valuation, *ad perpetuam rei memoriam*, on which to found a suit for compensation. Most contracts contain stipulations, the object of which is to enable this to be done within the time allowed by law for the prosecution of all such claims.

5. There are no banks specially established for the assistance of tenants in this respect, nor do they enjoy any particular facilities for raising loans from the various existing credit companies, banks, &c. On the contrary, if they can afford no other security than their leases, they will, doubtless, experience the greatest difficulty in borrowing money from those establishments. (*Vide* answer to Question 4 (A).

Miscellaneous.

1. It is difficult to reply with precision to this question. In Dalmatia, I believe, disputes between landlord and tenant are frequent, arising chiefly from contested rights of pasturage and woodland, but in no part of the Empire has any special legislation yet been thought necessary for the protection of tenants.

2. The mode of cultivation practised by these tenants is exceedingly primitive and rude. In those parts of the country where such tenancies are to be found, the proportion of arable land to the rest of the soil is only from 6 to 15 per cent., and, owing to the general steepness of the ground, the greater part of it is cultivated with the hoe instead of the plough. The plough is only employed on the plain, and the only iron part of it is the share. The produce of the Karsh countries consist chiefly of maize, wheat, barley, potatoes, turnips, with very small quantities of clover and other pasturage herbs.

The rotation system is unknown, and the soil, naturally poor, suffers great exhaustion from the bad system of cultivation. The cultivation of cotton, however, has been recently tried in Dalmatia, and (as I am officially informed) with great success.

Between 40 and 60 per cent of the soil of Dalmatia is pasturage of the poorest kind. The breed of cattle is bad, Sheep breeding succeeds somewhat better. There are about 800,000 head of sheep in the province. A common practice there is for the landlord to let his herds to the tenant, who, for the produce of the wool, pays a fixed annual rent, and is bound to restore to the landlord at the expiration of the lease the same number of grown-up sheep as he received when he took the lease. The standard of living is of course very low and rude. These tenants are in all respects inferior to the small proprietors. The landlords do not live on their estates. Their rents are very small.

3 and 4. Information of a reliable kind is entirely wanting on these subjects.

5. I should say that it is unfavourable to such a system as I have described above.

6. Now the soil is free in Austria. The Land Legislation of 1848, which abolished the "nexus subditelæ," has already been described. There can be no doubt that both the value of the landed property, and the prosperity of the whole agricultural class have been greatly augmented by the results of the great measures carried in 1818 with regard to the land. This fact has rendered entirely unnecessary such measures for the protection of the agricultural population as are contemplated by Questions 6—10. The laws of 1848 abolished copyhold, and that system now lingers only in those provinces where vassalage did not exist previous to 1848. But even there it is dying out under the influence of the new institution.

7, 8, 9 and 10. All these questions have already been answered.

11. The laws originally prohibiting or limiting the dispersion of small peasant properties have been abolished by subsequent legislation. Laws for facilitating the accumulation of land do not yet exist; but a Bill intended to promote that result is at this very moment in course of preparation by the Government.

III.

Very little remains to add to the information contained in the answers to the foregoing queries. I find it impossible to ascertain what is the exact numerical proportion between tenant-farmers and proprietors; but some indication of it may be derived from the fact that the territories of Görz, Trieste, Gradiska, and Dalmatia, which are the only parts of the Empire where the land is farmed out on system, represent an area of only 361 German square miles, whereas 4855 German square miles are cultivated by the respective owners of it on the "self-management system." Wherever, in the foregoing portions of this Report, "large landed proprietors" have been spoken of in contradistinction to small ones, reference must be understood to the owners of those estates which are entered in the public registers as "Seignorial" and pay, as such, a certain amount of taxation. These large landowners form special groups of electors for the Provincial Diets, and are specially represented as a class. The small proprietors are not so privileged.

For some time even after the abolition of cavies, socage, &c., in 1848, peasant proprietors remained subject to certain restrictions which have recently been removed, on the ground that they impeded the development of agricultural industry. Of those restrictions the most important was the "Beshiftungs-zwang," a law, namely, which limited the rights of descent and division, and the power of attaching and transferring any part of landed properties under a certain size. These restrictions no longer exist in any part of the Empire, except in the Tyrol; and consequently the only privilege enjoyed by the great landowners is that of class representation.

Between the relative social, intellectual and economical conditions of the great and small proprietors, however, there is an enormous difference. Whilst, on the *one* hand, there is undoubtedly a marked improvement in the social and intellectual standard of the Austrian peasantry since the emancipation of it in 1848, and whilst the general value of the whole productive soil of the Empire has so greatly improved that the market price of land has, in most provinces, risen more than 100 per cent. since that period; on the other hand, there can be no doubt whatever that every impulse in the way of agricultural improvement has come, and continues to come, exclusively from the great landowners. It is to them alone that the introduction of improved machinery, manure, drainage, breeds, &c., is owing, even in cases where such improvements have been successfully adopted by the small proprietors. In this respect the peasantry have shown no initiative. My personal impression is that the two classes have mutually benefitted, and greatly benefitted, by their co-existence and juxtaposition, and that the total annihilation of either class would involve a material disadvantage to the remaining one. But it is a notorious and striking fact that, in this most agricultural Empire, agriculture flourishes only in those provinces where great estates and great landowners prevail; and that, in all those parts of the country where the peasant proprietor predominates, the state of agriculture is singularly rude and primitive.

In conclusion, I have only to repeat that the contents of this report have reference solely to the Cis-Leithan provinces, and that I am obliged to reserve for a subsequent occasion all consideration of the agricultural condition of the Kingdom of Hungary.

I have, &c.

(Signed) RT. LYTTON.

Annex (A).

Provinces.	Proprietors.	Area.	Per German Square Mile.	Tillage, Meadow, Garden, Pasture.	Per Proprietor.
		Square Miles (German).	Proprietors.	Acres.	Acres.
Lower Austria.. ..	116,274	344·49	337·52	1,926,940	16·57
Upper Austria.. ..	73,233	208·47	351·28	1,094,015	14·93
Salzburg	12,123	124·52	97·36	250,752	20·68
Styria	134,521	390·19	344·75	1,238,468	9·20
Carinthia	28,718	180·26	159·31	434,551	15·13
Carinthia . ..	50,714	173·57	292·18	893,076	17·61
Trieste ..					
Görz ..	55,442	138·82	401·54	981,914	17·61
Gradiska ..					
Istria . ..					
Vorarlberg	112,742	509·62	221·22	894,871	7·90
Bohemia	199,415	902·85	220·87	5,471,515	27·43
Moravia	97,753	386·29	253·05	2,724,006	27·86
Silesia	27,244	89·45	304·57	569,774	20·91
Galicia	496,091	1,364·06	363·68	8,438,532	17·01
Bucovina	56,404	181·61	308·92	935,219	16·66
Dalmatia	46,634	221·30	209·77	1,449,334	31·07
Total	1,507,308	5,216·50	288·95	23,177,612	15·37

Annex (B).

Produce Ms.	Provinces.					
	Bucovina.	Salzburg and the Styrian Highlands.	Bohemia, Moravia, Silesia.	Upper Austria.	Styrian Lowlands and Lowlands of Carinthia.	Galicia.
Wheat ..	17	Winter Wheat 12·20 / Summer Wheat 8·12	12–14	16–22	15–18	14
Rye ..	19	12–20	12–14	18–25	15–22	12½
Barley ..	19·5	10–25	18–30	20–28	20	13
Oats ..	25	18–40	18–30	25–35	25	12–19
Potatoes ..	..	120–150	100–200	..	..	..

No. 6.

Sir A. Buchanan to the Earl of Clarendon.—(Received January 17.)

My Lord, *St. Petersburgh, January 12, 1870.*

I HAVE the honour to inclose herewith to your Lordship Part I of Mr. Michell's Report on the tenure and cultivation of land in Russia, which may be more correctly described to be a Report on the characteristics of the law under which serfdom was abolished, and on the effects which that measure has had on the material and moral well-being of the peasantry, on the interests of landlords, and on the general prosperity of the country.

The subjects which the question embraces are therefore so numerous and multiform that it has only been by assiduous labour on his own part, in collecting materials by personal observation and the study of works recently published in Russia, and through the assistance of gentlemen well acquainted with the subject, that he is now able to forward the first part of his Report, described in the Table of Contents as "General Considerations." This portion of it will, however, I feel assured, be read with much interest by your Lordship, from the light which it throws upon the social condition of the people, and the authentic information it affords on the present state and future prospects of agricultural industry in the empire.

Mr. Michell has painted in strong colours the evils which have resulted by over-legislation with respect to the economical relations of landowners and their tenants, and from the communal principle on which the arrangements of the Emancipation Act are founded.

The Communal system is, however, considered by many Russians to have served its time, and as likely soon to die out, though they defend it as a necessary measure of police, alleging that the tranquillity and well-being of the country might have been seriously compromised if complete personal liberty had been at once granted to the peasantry.

Mr. Michell also represents the resources of the country and the national wealth to be increasing, in spite of the communal organization of the rural population, an improvement which must partly be attributed to the rapid extension of railways. The right of holding land by the commercial and industrial classes, which during serfdom was restricted to the nobility, must, however, also exercise a powerful influence on the prosperity of the country, from the enterprize and capital now likely to be employed in agriculture. In many districts the price of land has already increased from 50 to 100 per cent., but in estimating the importance of such an apparent increase in its value, it is necessary to consider that the rouble, which when payable in silver before the Crimean War was worth 3*s.* 2*d.* sterling, is now rarely worth more than 2*s.* 8*d.*, and has at this moment fallen to 2*s.* 5½*d.*

I hope to be able to forward the rest of the Report by next messenger, and I feel assured that your Lordship will agree with me in considering it one of the most interesting and instructive works which have yet appeared in English upon the internal condition and resources of this empire.

I have, &c.
(Signed) ANDREW BUCHANAN.

Inclosure in No. 6.

Report by Mr. Michell on the System of Land Tenure in Russia.

PART I.—GENERAL CONSIDERATIONS.

IN 1861, when the laws that now regulate the tenure of land in Russia Proper came in operation, at least eighty per cent. of the population were more or less firmly attached to the soil which they cultivated. The mass of the people of Russia was composed of villeins (*adscripti glebæ*), who, under the denomination, severally, of serfs, crown peasants, and appanage peasants, were owned by the landed aristocracy and gentry, by the crown, and by the Imperial family.

The Government and social institutions of the country, its financial and military systems, were in harmony with the political condition of the mass of the population. The rights which the lord exercised over the serf were represented in the cottage by the power and privileges of the patriarch peasant over the members of his family living under the same roof, while the Government wielded an unlimited authority over all.

Continued in Russia so long after the abolition of its worst forms in Western Europe, serfage had kept at an exceedingly low level the moral and material condition of the husbandman.

That debased condition reacted on the development of other classes of society, and effected prejudicially the constitution and resources of a State whose inherent weakness was only to a certain extent concealed under the military system that prevailed until the end of the reign of the Emperor Nicholas, when a great national disaster caused the weakness to be acknowledged and a remedy to be sought.

Many attempts had indeed been already made to mitigate the evils of serfdom, which was practically introduced during the reign of Theodore, by his Minister, or rather Regent, Boris Godunoff,* when the customary migrations of the peasantry from the lands of one proprietor to those of another were prohibited by a law that attached the agricultural classes to the soil which they tilled on the day of the Festival of St. George, in the year 1592.

Peter the Great prohibited the sale of serfs without the land on which they were established, although, by converting the old house-tax into a poll-tax, and making the landed proprietors responsible for its due collection, that sovereign contributed perhaps as much as Boris Godunoff to the final enslavement of the Russian peasantry.

Catherine II., who gave the Russian nobility a Charter of Rights, and laid the foundation of a middle class, did not extend much of her wise legislation to the condition of the rural population. She studied the subject, and offered a prize of 1,000 ducats for the best Essay on the question, "Is it the interest of the State that

* Serfage in Russia was therefore not a consequence of conquest as in other countries; it was a right given to the lord by the sovereigns of Moscow.

the peasant should possess land in freehold, or that he should only hold personal property? And how far should the rights of the peasant to hold property extend, in the interest of the State?"

Serfage was introduced into Little Russia and Lithuania in the reign of the Empress Catherine, who gave the example, followed by her successor Paul, of distributing serfs among the nobility. It was thus that some favourites owned as many as 30,000 male serfs.

But, on the other hand, some of the measures of Catherine may be looked upon as indicating a desire to introduce more legality into the relations between proprietor and serf. Thus, she followed the example of Peter the Great in confiscating the serfs attached to monasteries, who were more oppressed than any other class of serfs. She placed them under a separate administration and established a fixed poll-rent of 1 rouble 50 copeck per male.

In 1797, the Emperor Paul attempted to limit the power of the lord over the serf by enacting, that the latter should only be called upon to render three days' service, or socage, in the week, but the law was never carried out.

After the national war of 1812, the minds of Russian statesmen became very much impressed with the necessity of liberating the serfs, and the Emperor Alexander I created a class of "free agriculturists," while his powerful Minister, Arakchéef, devised a scheme of military colonization, under which the Russian "Crown peasant" was expected to do duty as a soldier, and to cultivate the soil in conformity with regulations minutely prepared for each season of the year, and strictly enforced by military officers armed with whips. The peasant was made to live in a model cottage in which he was forbidden to disturb a single article of furniture, and to live generally after the highest pattern of good conduct and civilization.

Those colonists, however, rebelled,* and, like the "free agriculturists," reverted to their former condition of peasants attached to the domains of the Crown; and the enlightenment which the Government had attempted to force upon them was swamped, as it were, in the overwhelming flood of ignorance by which they were surrounded, and has left not the slightest trace.

It was only in the reign of the Emperior Nicholas that the subject of emancipation began seriously to occupy the attention of the Russian Government.

In 1826 a secret Committee† was appointed by that Sovereign to inquire into the entire organization of the Empire. After sitting for three years the Committee produced, under the personal supervision of the Emperor Nicholas, a project of reform which included the withdrawal of class privileges, the establishment of a common degree of "honorary citizenship," and the abolition of serfage, on the basis of endowing the peasantry with personal liberty, and of respecting the proprietory rights of the aristocracy and gentry in regard to the soil.

The Ukazes by which these measures were to have been promulgated were ready for the Imperial signature when the French Revolution of 1830 caused the project to be abandoned, and the documents relating to it to be deposited under seal in the archives of the Council of the Empire, where they are still preserved.

But the labours of the Committee were not entirely in vain. After issuing a Rescript enjoining the landed proprietors to treat their serfs "with legality and as Christians," the Emperor Nicholas issued an Ukaze in 1828, by which the estates of proprietors who behaved harshly to their serfs were ordered to be placed under the administration of trustees.

Another Rescript was addressed to the Minister of the Interior insisting on the due observance of the law issued by the Emperor Paul, by which the terms of socage were not to exceed three days in the week.

That law had never been to any great extent obeyed, for, as it did not specify the quantity of land for which not more than three days' service was to be rendered, the landed proprietor imposed his own terms by threatening to reduce the allotment of which the serf had the usufruct.

In 1842 the peasantry were permitted to make terms with their lords in respect to the quit-rent‡ leviable from them in money and the extent of their land allotments, on condition, however, of their remaining under the jurisdiction and in a manner attached to their lords.

Some years later, in 1847, they obtained the right of purchasing their freedom

* In 1831.

† Its title was "Committee for the Examination of the Papers of the Emperor Alexander I."

‡ This term will be employed throughout as the equivalent of the Russian word "Obrok," *redevance en argent.*

and the lands they occupied, whenever the latter were put up for sale by public auction.

Again, in 1848, the serfs were allowed to purchase in their own names lands that were not populated, provided the lord gave his consent.

They had previously been permitted to purchase land in freehold, on condition of the title-deeds being drawn up in the name of the lord, for, as the serf had no civil rights, he could execute no legal instruments.

But comparatively few serfs availed themselves of the law of 1848, which was indeed never generally known to them, the Government having caused it to be promulgated in a manner calculated to prevent excitement among the rural classes, and the landed proprietors being at that time very apprehensive of an agrarian insurrection.

All these acts of legislation,* of which no fewer than 108 were produced during the late reign, culminated in a limitation of the right of holding serfs without an adequate provision of land, a minimum of which was fixed for the several provinces.

Nevertheless the Russian serf was practically but little benefitted by all those measures, of which the application was generally too conditional on the pleasure and interest of the landowner. The evils which serfdom had produced were too deeply rooted, and the system of government was altogether so incompatible with the improvement of the political status of the masses, that the worst grievances of the serf remained unredressed. The lord would very frequently exact four days' socage, and occasionally compel all the men, women and children of a village to give their labour on the fifth day also.

As the law did not take cognizance of any complaint of the serf against his master, the latter could flog him with impunity, send him to colonize distant provinces (generally to Siberia), cause him to be enrolled in the ranks of the army, and take from him everything he possessed.

In the western, or old Polish provinces, however, the measures of the Government were more decisive and radical, chiefly for political objects, but partly also because agriculture was relatively so much further advanced in that part of the Empire *that it* had become the interest of the lord to deprive the serf of the soil he had tilled for his own benefit, and to reduce him to the condition of a landless bondsman.

The relations between the lord and the serf in those provinces were made the subject of minute inquiries between 1844 and 1852, when they were embodied in a series of rules which were applied to the "Inventories," or Settlement Deeds, of the serfs, and to those of the few Crown peasants who were in that part of the country generally leased to landed proprietors—a form of bondage unknown in other parts of Russia.

As it was alleged that those rules had been unjustly carried out by the local bureaucracy under the influence of the landed proprietors, from which class the local officers of Government were principally drawn, those rules were, in 1854, again referred to a Commission, and it was a revision of those rules, instituted by the Russian Government, that led, in 1857, to an address from the nobles of Lithuania,† praying for the abolition of serfage, and also to a memorable Rescript, addressed by His Imperial Majesty to the Governor-General of Wilna, Kowno and Grodno. In that Rescript the Emperor ordered the appointment of a "Committee of preliminary investigation" in each of those provinces, and of a "General Commission for the preparation of the Draft of a law for improving the condition of the serfs in the western provinces."

His Majesty desired that the principal of the new law should be the retention of all proprietary rights over the soil, the peasant acquiring the right of redeeming‡ only his homestead,§ and of renting under an interminable lease, either for money or service,

* The Emperor Nicholas had several times manifested a desire to proceed with the gradual emancipation of the serfs. In 1844 he was dissuaded from carrying out his intentions by the then President of the Council of the Empire, who on bended knees implored His Majesty to abandon a project fraught with so much anxiety and danger. The Emperor Nicholas solemnly bequeathed the work of emancipation to his successor.

† The Polish landowners of Lithuania acted from political motives in forestalling the well-known desire of His Imperial Majesty to liberate the serfs, for their interests having already suffered from special legislation, they apprehended that a scheme of emancipation emanating from a Russian source would be calculated to encroach still further on their proprietary rights. That their apprehensions were well founded may be seen from the special enactments relative to the Land Question in the North-Western and South-Western Provinces after the Polish insurrection of 1862.

‡ "Redemption" will be used throughout this Report instead of the word "Purchase," for the Russian original, "Vykùp," translated as *Rachat* in French, implies the purchase back of a thing pledged. The lands are mortgaged to the State, and the peasant buys them back during a period of 49 years.

§ The French equivalent of the Russian word "Usadba," or homestead, is *Enclos.* It includes the cottage, barns, vegetable garden, &c. of a peasant's establishment.—*Vide* abstract of Emancipation Act.

such a portion of land as would suffice to support him, and provide for the fulfilment of his pecuniary obligations towards the lord and the State.

Although the accession of the Emperor Alexander II., in 1855, was considered by all His Majesty's subjects as the dawn of a new era, in which serfdom would be abolished, yet in a secret memorandum* presented to the Emperor by the Minister of the Interior in 1859, it is stated that "the first news of the contemplated reform had "given rise to an unaccountable panic among the majority of the landowners. From its promulgation, they expected disturbances; from its execution, the loss of all their property. The abolition of serf labour and the want of capital, the unenlightened condition of the peasantry and the absence of proper local administration, the degree to which properties were intersected, the sale of the homesteads of the serfs, the mortgages on the land, and, lastly, the fate of the smaller proprietors (those holding fewer than twenty-one serfs)—all these circumstances appeared in the light of obstacles that were insuperable. The reform was considered to be applicable to the western provinces,† and impossible of introduction in the rest of Russia."

Measures were accordingly taken to quiet the apprehensions of the landed nobility and gentry, and it was shewn to them that the danger consisted in the procrastination rather than in the introduction of the reform. Gradually its possibility and necessity became acknowledged.

Addresses from other provinces followed, and local committees of landed proprietors were in each case appointed. On the $\frac{6}{18}$th of February, 1858, a "Principal Committee," composed of the Ministers of State and of a few members of the Council of the Empire was established at St. Petersburg, under the immediate direction of His Majesty the Emperor, by whom the chair was later given up to his Serene Highness the Grand Duke Constantine.

Another committee was simultaneously appointed for the purpose of preparing the text of the Emancipation Act ("Comité de Rédaction"). It was composed partly of landed proprietors summoned from various provinces of the Empire; partly of Government officials and jurists.

While the "Principal Committee" dealt mainly with the principle of Emancipation, the "Comité de Rédaction," which was soon after its appointment presided over by General, subsequently Count Rostovtsoff,‡ examined the projects that were forwarded by the "Provincial Committee."

Delegates from the landed proprietors were next summoned to St. Petersburg in two series or batches ("in order to prevent any common action or the formation of parties"), for the purpose of expressing their opinion on the law as projected by the "Comité de Rédaction." Their recommendations were considered by the Committee, and the projected law, having been once more modified, was laid in its complete form before the "Principal Committee," by which it was adopted with a few alterations. But its adoption not having been unanimous at the "Principal Committee," which constituted a kind of Sub-Committee of the Council of the Empire, the projected law was referred to the Plenum of the Council. There again it was opposed in its principles by a majority of the members; but the Emperor having, in the exercise of his legal powers, voted with the minority, the Act of Emancipation was passed, and on the $\frac{19\text{th February,}}{3\text{rd March,}}$ 1861§, received his Imperial Majesty's signature.

Although dealing only with the serf population of Russia Proper, or the peasantry attached to the lands of the aristocracy and gentry (twenty-two millions), the great Act of Emancipation, which will render imperishable the memory of the monarch who now rules over the Russian Empire, affected indirectly the peasantry of the Crown (twenty-three millions of both sexes) and of the appanages (three millions), who became later the objects of special legislation. The circumstances of the two latter classes of peasantry were only thus far different from those of the serf, properly so called,—that their rents were both lower and less variable than those exacted by the landed proprietors. They paid a money rent, and, as their earnings could not be taken from them by any rapacious landowner, they generally considered themselves "freemen," although their right of locomotion was as much circumscribed as was that of the serfs.

In some respects the position of the Crown peasant was perhaps inferior to that of

* Published in "Russian Archives," Moscow, 1869.

† The old Polish provinces, where legislative interference between the proprietor and the serf had already been attempted.

‡ One of the conspirators of 1825 pardoned by the Emperor Nicholas.

§ This law will in future be cited as the Act of February 19, 1861.

the serf. Before 1837, he was under the immediate jurisdiction of a local Finance Board and of a police officer, and, as these officials were not numerous, their exactions were not intolerable. When, however, the Crown peasantry were placed under a separate administration, represented in the provinces by a multitude of inspectors and sub-inspectors, who looked to be supported in affluence by the people over whom they were placed, their position became to a great extent assimilated to that of the serf, but instead of having, like the latter, one master to satisfy, they had an average of ten. These were mainly supported out of the produce of a portion of land, which was tilled in common in each village for the purpose of creating a reserve of corn, to be used in case of famine, and for the support of schools and other instititutions intended to improve the moral condition of the peasant. It is a matter of notoriety, however, that the greater part of the value of the produce thus raised was divided, according to a nicely adjusted scale, among the officers connected with the central and local administration of the Crown Domains. Nor was the administration of the appanage peasants, to any appreciable extent, more moral. And thus, whether serf, Crown peasant, or appanage peasant, the Russian husbandman was still in a condition of villeinage, and at the mercy of those who were above him.

The mode of the final settlement of the appanage peasants in 1863, and of the Crown peasants in 1866, will be described in another part of this Report, which has for the present to deal with the serfs, who, in 1861, constituted a population of about twenty-two millions, or nearly ten millions of males, of whom three-quarters of a million were domestic serfs, and as such not in the occupation of land,* and half a million attached to various mines and works.†

It would appear from the information laid before the Emancipation Committee, that the number of proprietors who owned serfs in Russia Proper was at that time 103,158.

Only 23 per cent. of these owned more than 100 male serfs, while 41½ per cent. held an average of not more than 21 serfs, and 35½ per cent. between 21 and 100 "souls."

Of the total area of land in the possession of those proprietors, namely, *about* 301,000,000 acres,‡ nearly 100,000,000 acres were held by their serfs, either at a rent in money or service, or under a mixed liability both in money and service.

Each male serf therefore enjoyed the usufruct of about 10 acres of land. The quit-rent levied by the lords varied greatly in the provinces, less in proportion to the productiveness of the soil and the income of the serf, than to the necessities of the landed proprietor, who could afford to claim less rent if he possessed a more than average number of serfs. When in want of funds the lord had recourse to a loan, which he readily obtained from the State on the mortgage of his serfs and lands. In such cases it often happened that the extra charge of interest and sinking fund was added to the serf's quit-rent, who thus actually suffered a money loss for being mortgaged on account of his lord's pressing necessities.

It was one of the first endeavours of the Emancipation Committee to arrive at a correct estimate of the quantity of land cultivated by each serf for his own benefit, and of the amount of quit-rent and service for which he was liable. There was considerable difficulty in settling these important questions, for the landed proprietors were interested in returning small allotments of pasturage lands and meadows, which were generally held in common by the serf and the lord, and in over-estimating the money equivalent for the services rendered in addition to the payment of quit-rent, such as work in the kitchen-garden, orchard, &c.; for on the one estimate would greatly depend the quantity of land which they might be called upon to cede, on the other, the amount of compensation to which they would be entitled in case the money relations between proprietor and serf should be settled by the Legislature.

Practically, in Central Russia, where the lord owned, as was commonly the case, a sufficient quantity of land, he allowed each male serf the usufruct of about 3 dessiatinas (8½ acres) of arable land, irrespective of commons and pasturage grounds, timber for fuel and building purposes. As the serf population increased he added to their allotments, but, as a rule, taking care that the quantity of land tilled by the peasantry for their benefit should not exceed that which they cultivated for his

* The domestic serfs became absolutely free in 1863. Between 1861 and 1863 they continued to pay their lords the tax previously imposed on them, but which the Emancipation Act fixed at a maximum of 40 roubles (5*l.*) per male, and 30 roubles (4*l.*) per female. They could not claim an allotment of land unless they had been reduced to domestic serfs after 1858, or registered as agricultural serfs.

† These, like domestic serfs, were liberated under special enactments.

‡ 105,200,108 dessiatinas. A dessiatina is equal to 2·86 acres.

own.* Thus, the proprietor of 3,000 acres would not cede the usufruct of more than 1,500 acres, for where the rent was payable in service it was necessary that he should retain 1,500 acres to which the serf labour might be applied, and nine-tenths of the serf allotments in the black soil † provinces (with nearly two-thirds of the population of Russia Proper, and nearly three-quarters of all the serf lands in Russia), were held for service—not at a money rent.

The application, therefore, of the principle of retaining half the arable land for the benefit of the lord led to a limitation, in the black soil provinces, of the area of land allotments per head of the serf population, as the latter increased.

In the industrial provinces, on the contrary, it was the interest of the lord to increase the area of serf holdings, in order to raise the amount of quit-rent.

It was only the vastness of the lands in the north of Russia and in the steppe country beyond the Volga, that raised the average allotment of arable land per male serf to about 10 acres, as already stated.

The serfs that paid quit-rent in lieu of rendering service are estimated at one-quarter of the total serf population, but the proportion of those who held lands at a money rent, in the industrial provinces of Moscow, Wladimir, Jaroslaf, &c.,‡ was much larger, viz., one-half to three-quarters. In the black soil provinces the proportion was only one-tenth, as the lord found it more to his advantage to cultivate the rich soil with serf labour than to take a moderate quit-rent.

The average amount of quit-rent levied in the industrial, black soil and steppe provinces, was returned to the "Comité de Rédaction" as follows:—

	Rs. cop.		Rs. cop.
A. Black Soil Provinces	7 90§	to	9 30‖
B. Steppe and other	6 16¶	„	9 30**
C. Industrial	8 7††	„	12 51‡‡

Converted into English equivalents,§§ the average rates of quit-rent levied in each of these groups, per serf, irrespective of his land allotment, appears as follows:—

	£	s.	d.
A. Black Soil Provinces	1	3	4
B. Steppe and other..	1	1	1
C. Industrial Provinces	1	4	9

As the average quantity of land cultivated by each serf for his own benefit is supposed to have been about 10 acres, the mean rate of quit-rent levied from the serfs in money, where they rendered no service, was about 2*s.* 3*d.* per acre,‖‖ while in the

* It is one of the principles on which the Emancipation Act is based, that the cultivable lands reserved for proprietors shall not be reduced to less than one-third of their entire area, or to less than half their area within the zone of steppe country.

† The black soil or "Chernozem" has its northernmost limit defined by a waving line, which, passing from near Kief and Chernigof, a little to the south of Lichvin, appears in the 54° of north latitude in that tract, then advances in its course eastward to the 57°, and occupies the left bank of the Volga, west of Cheboksary, between Nijni-Novgorod and Kazan.

It does not, however, occupy all the vast country within those limits, but in separate areas, sometimes covering several large districts, and varying from a few feet to 15 or 20 feet in thickness. The following is an analysis of this wonderfully fertile soil:—

Silica	69·8
Alumina	13·5
Lime	1·6
Oxide of iron	7·0
Organic matter	6·4
Traces of humic acid, sulphuric acid, chlorine, &c.	1·7
	130

Vide "Russia and the Ural Mountains," by Sir R. I. Murchison, Bart.

‡ Provinces in which industries are pursued as well as agriculture.
§ Nijni-Novgorod.
‖ Orel, part of.
¶ Viatka.
** Tula.
†† Riazan, part of.
‡‡ St. Petersburg.

§§ At the mean exchange of 32*d.* per rouble, or 16 per cent. below par. This rate to which the price of commodities in Russia have adjusted themselves, and which is not likely to be more favourable to the Russian currency, will be adopted throughout the Report. At present the exchange is below 30*d.* the rouble.

‖‖ About 2rs. 40 cops. per dessiatina.

industrial provinces, where money rents were almost the rule, the average rate of quit-rent was 2*s*. 9*d*. per acre.*

This is, however, far from representing the actual price paid by the serf for the usufruct of land. His payments in service, where the lord took no money rent, or where the lord took both money and labour, were far more heavy as a rule than the above calculation would make them appear. In some of the industrial provinces, where the peasantry had grown rich, the quit-rent sometimes amounted to 40 roubles (5*l*.) On the other hand, the great landowners would sometimes only exact 3 roubles, or 8*s*. Whether paying rent in money or service, the serf was, moreover, bound to supply the lord with horses and carts to transport his produce, sometimes with poultry and other contributions in kind, and to render a variety of other services of which the money value cannot be easily determined.

In emancipating the serf from all these obligations, the Legislature had to deal with three distinct interests :—

1. The interest of the serf.
2. The interest of the lord.
3. The interest of the State.

It was necessary to give the serf civil rights, to indemnify the lord, and to secure to the State generally a condition of welfare.

Would these several and collective interests be best promoted by endowing the serf with civil rights, without any expropriation of land in his favour? was a question to which the attention of the "Provincial Committees" was primarily directed. At first, the idea, both of the Russian Government and of the landed nobility and gentry, was, that the emancipated serf should be assisted by the State in the purchase of his homestead, and that the rest of the land of which he enjoyed the usufruct at the date of his emancipation, should be left in his occupation for a term of nine, ten or twelve years, at a rent to be fixed by law, at the expiration of which term the lease of lands should be left to mutual agreement, without any legislative interference. This proposal met with much objection on the part of the advanced Liberal Party in Russia, as well as on that of the Russian Revolutionary Press in London, which had from the first insisted on a compulsory expropriation of land for the benefit of the peasantry, on the ground, principally, that the peasant without land would be reduced to the position of a pauper ("prolétariat"). The Liberal minorities of the "Provincial Committees" and "Comité de Rédaction" (the latter strengthened by the admission of the more prominent Liberals of the "Provincial Committees") next began to urge that the peasants should not only be assisted in the purchase of their homesteads, but also in the acquisition of a certain maximum and minimum allotment of land. At last they even proposed the compulsory sale and purchase both of homesteads and land allotments.

It is a significant fact, that the plan finally adopted,—that of permitting the peasantry to purchase, or rather to redeem, in addition to their homesteads, certain fixed allotments of land,—originated with the landowners themselves. The Government had not pointed out the desirability of such an arrangement, when the Committees of Nijni-Novgorod, Kowno, Wilna, Tver, and of other provinces, began to discuss it as the best possible solution of the peasant question. By the month of August, 1859, the Committees over the whole of Russia, and the members of the most opposite interests, had agreed upon the principle of voluntary redemption,† the majority of the landed proprietors having arrived at the conclusion that the land of which the peasants then enjoyed the usufruct would never be restored to them, and that it was therefore better to obtain from the Legislature favourable terms for its tenancy or sale. To many proprietors who were in debt, or whose estates were mortgaged (and the Crown had advanced more than 53,000,000*l*. sterling on such estates), the prospect of obtaining a large sum in Government stock, for the cession of comparatively a small portion of their lands, presented itself in an attractive form, particularly as the abolition of compulsory serf labour would require the application of much capital to the farming of large estates.

A compromise was at last effected even with the Ultra-Liberals, who, having been seriously denounced as wishing to subvert all proprietory rights, and to disturb the finances of the Empire, with a revolutionary object, were obliged to adopt the leading principles on which the Emancipation Act‡ is now based, and which are as follows :—

1. The cession of the perpetual usufruct (tenancy) of the serf's homestead, and of

* Or 2rs. 90 cops. per dessiatina.

† Secret Memorandum presented to the Emperor by the Minister of the Interior, 1859.

‡ An abstract of the Emancipation Act is appended.

certain allotments of land, on terms settled by mutual agreement, or, failing which, on conditions fixed by law.

2. The compulsory sale by the lord, at the desire of the serf, of the serf's homestead, either on terms of mutual agreement or on conditions fixed by law, the right of refusing to sell the homestead without the statute land-allotment being reserved to the lord.

3. State assistance in the redemption (purchase) by the serf of his homestead and territorial allotment, provided the lord shall agree to sell the latter.

As regards, therefore, the interest of the serf, the advantages conferred upon him by the Emancipation Act may be summarized as follows:—

1. The right of a freeman.

2. The right of enjoying, on terms fixed by law, the perpetual usufruct of his homestead, and of certain maximum and minimum territorial allotments, based on the quantity of land which he cultivated prior to the emancipation.

3. The right of converting his liability in service (socage) into a money rent on terms fixed by law.

4. The right of demanding the sale of his homestead from the lord, and the right (subject to the consent of the lord) of purchasing his territorial allotment also.

5. The means afforded by the State of fully and finally terminating, by the redemption of homesteads and territorial allotments, his relations of dependence towards the lord of the soil; and,

6. Communal and cantonal self-government.

The interest of the landed proprietor is protected by the following provisions of the Emancipation Act:—

1. Whether the lord grant the perpetual usufruct (tenancy) or the freehold of the peasant homesteads and land allotments, a money payment, more or less equivalent, based on the rents which he previously enjoyed, is secured to him, and he is therefore called upon to cede without compensation only his political rights over the serf, and his right to the gratuitous labour of the domestic serf.

2. He can insist on the serf purchasing his territorial allotment as well as his homestead.

3. He can refuse to sell the territorial allotment without the homestead.

4. He can avoid the cession of the perpetual usufruct of the territorial allotments fixed by law, by bestowing, as a free gift on the peasantry who shall consent to receive the same, a quarter of the maximum allotment of which they are entitled to enjoy the usufruct, with the homestead on it.

5. He is no longer responsible for the care of the poor or for the payment of the Imperial taxes by the peasantry.

6. He is no longer bound to defend actions at law in which the peasantry on his soil may be engaged, nor to pay the fines, &c., for which, when inflicted on the serf, he was previously liable.

7. He obtains compensation for the loss of serf labour and for the cession of lands in Government stock, in the proportion of 80 per cent of the valuation of the latter.

8. He obtains the means of clearing off any mortgage with which his land may be burdened, and an amount of ready money that will, under favourable circumstances, enable him to conduct his farming operations by means of hired labour and machinery.

The interest of the State consisted in promoting the welfare of the great bulk of its population by stimulating the development of agriculture. But, apart, to some extent, from this interest, the Russian Government was forced by financial exigencies to protect the interest of the Exchequer, by the preservation of the system of poll taxation. This fiscal interest was identical with that of the State institution charged with the "Redemption operation," viz., with the advance of money to the peasantry for the purpose of buying their homesteads and territorial allotments.

The two latter interests were protected by the introduction of a system of collective responsibility under which the peasantry were made to guarantee mutually the exact payment of their quit-rents, taxes and "redemption dues." That collective responsibility was laid on the village communes, which, as corporate bodies, became the purchasers of the land ceded to the peasantry, who thus became in a measure only tenants under communes.

In order, on the other hand, to prevent the dissolution of the commune,—the administrative and financial unit,—the Emancipation Act was calculated, by a variety of subtle provisions, to prevent the peasantry from leaving the soil to which they were, therefore, attached almost as firmly as in 1592.

The effect of the measures adopted for the security and promotion of these several interests, and the details of the measures, the themselves will be reviewed under following heads :—

I. Effect of the Emancipation Act on the rural population.

II. Effect on the landed proprietors.

III. Effect on the welfare of the State.

I.—*Effect of the Emancipation Act on the Rural Population.*

(1.)—*Civil Rights.*

The primary object of the reform of 1861 was the emancipation of the Russian masses from serfdom, and their endowment with the rights and privileges of citizens. That was the great aim of the Legislature and, strictly viewed, its interference need have gone no farther in settling the relations of a peasant towards the soil, the lord and State. But a multitude of considerations prevailed in favour of a wider application of legislative intervention. The serfs were supposed to look upon the land which they cultivated as their own,* while their persons only belonged to the lord. The non-recognition of that popular principle might, it was seriously apprehended, have led to agrarian revolt. Civil liberty, without a certain quantity of land, would have been accepted by the agricultural population of Russia as no liberty at all; and, indeed, there was great force in the argument that it was necessary to secure the new freedom of the peasant by placing him in a position of some independence in respect of his former master, the tendency of whose interests might be in the direction of a re-enslavement of the weak and ignorant. That security was to consist in guaranteeing to the free peasant a "minimum of welfare," by the compulsory allotment of land, which he might either lease or purchase on equitable and easy terms, and also in bestowing on him a system of communal and cantonal self-government.

These considerations were, to a great extent, supported by a national school of Democrats and Socialists, who looked upon the free Russian peasant, cultivating *his* own acres, as the ideal of a citizen destined to regenerate Russia, and to infuse new and healthy principles into the social life and political organization of the Old World.

In the pursuit, however, of this political shadow, much of the substance of the great reform of 1861 was sacrificed. The civil rights granted to the peasantry were limited, in respect to some of the most important conditions of liberty—the right of free locomotion, the withdrawal of which in 1592 reduced the Russian people to a state of serfage; and the right of freely disposing of their own labour, energy and resources, a right which had, since 1592, been vested in the serf-owner, By giving power to the lord to advance his own interests, namely, by granting him the right of compelling the serf to become a purchaser of land with State assistance, where perhaps the land was comparatively bad, and where it was the advantage of the lord to keep the land populated, the Emancipation Act has forcibly made the peasant both an agriculturist and a debtor to the State, which, being his mortgagee, has acquired a vested interest in his immobility. That interest is strengthened by the system of poll taxation, which compels the State to prevent the absconding of the chief contributor to its resources.

On the other hand, the liberties given to the peasantry of Russia may, in some respects, be considered excessive, and not in harmony with the rest of their civil status.

Thus, while the peasantry are firmly attached to the soil,—prohibited from disposing of their labour in the most advantageous manner to themselves,—and while little has been done to raise them by education† from their debased moral condition, their civil rights extend, in a most important particular, far beyond the liberties enjoyed by the peasantry of the freest and most civilized nations. Their self-government, given to them, like the perpetual usufruct of land, as a guarantee of their new freedom, includes the administration of justice within village communes, and the exercise of considerable influence, by numerical preponderance,‡ in the provincial and district assemblies charged with the administration of territorial interests.

* "The land is ours, but we are yours," was at that time stated to be in the mouth of every serf.

† Not more than 9 per cent. of the rural population can read or write.

‡ "The peasantry occupy in Russia a pre-eminent position in the social and territorial organization—pre-eminent not only on account of their numbers, the extent of their possessions, the general revenue and value of their property, but also because they are more perfectly and more independently organized than other classes of society; they are more firmly tied together; they have hardened in their debased internal structure." "Prince Vassilchikoff on Self-Government," St. Petersburg, 1869.

The manner in which the civil rights of the Russian peasantry are, on the one hand, limited to a degree which almost neutralizes them, and, on the other, extended in their communal organization to a point that renders their exercise dangerous both to the liberty of the individual and the welfare of the State, will be shewn at a further stage of this Report under the head of "Self-Government."

Between those two extreme points, however, the Emancipation Act has bestowed rights of which the exercise has had a most important effect on the condition of the rural population. The right of freely leasing and purchasing beyond the pale of legislative interference is, in itself, an immense boon to the Russian people; but a greater boon still has been the withdrawal of civil disabilities in the family life of the Russian peasant. As the Government recognized no rights of the lord except those which it was pleased to bestow, so the lord had an unlimited right over the person and property of the serf, who was regarded by the law only as a chattel; and so the serf, by a natural gradation of slavery, possessed an almost unlimited authority over the members of his family. As in the case of the power of the lord, so in that of the serf,—that authority was not limited to the person who formed part of the family, but extended to his property and the sweat of his brow also. It was only the head of the family that could possess anything, under the social law that bound the serf family together. The patriarch, to whom the lord looked for the satisfaction of all his demands, ruled absolutely in his own hut, which generally gave shelter to a family of from ten to fifteen persons of both sexes and of all ages.* These, as far as their strength would permit, worked together for the common benefit of the household, giving their earnings to the father, brother, or uncle who governed it, and receiving severally, out of the common fund, only as much as the purse-bearer thought fit to give. They had only a right to spend upon themselves, individually, such small sums as they might have earned, exceptionally, as drink-money.

With the exception of the patriarch and his wife, whose position was privileged, all the members of the family shared alike in the food and clothing. The unmarried brother or nephew worked for his brother or uncle who might have a wife and several children.

The incorrigibly idle were, as a rule, expelled from the family commune by being made over to the recruiting officer.

Male members of the household seeking the means of existence in towns, a thousand miles away, were under the same obligation to contribute to the common fund the balance, were it ever so small, of their hard-earned gains over their parsimonious expenditure for the necessaries of life. Did they fail to send their contribution, the power of the patriarch would soon bring the wanderer back to his roof-tree, probably on foot. The term of his passport would elapse, and the patriarch, by refusing his consent to its renewal, would force him to return, by the alternative of being taken up by the police and kept for months in prison as a vagrant.

Under such a system the heads of peasant families were often rich, but their members penniless. There was no incentive to individual exertion, since its result would only be to increase the riches and power of both the lord and the patriarch. On the death of the latter, each son would receive an exact share of the accumulated wealth, whether he had contributed to it or not, and would, in his turn, become the head of a family, with patriarchal powers and privileges.

There was no appeal even from corporal punishment when inflicted by the patriarch, just as the latter was himself liable to be flogged without appeal by the lord, who, in his turn, could be summarily and arbitrarily punished by the supreme authority which crowned the edifice.

The abuses of the patriarchal power in its various phases were, perhaps, the greatest evil that slavery had produced. They were rendered more flagrant and crying by the fiscal system of the country. The lord was responsible to the State for the due payment of taxes by the serf. He laid that responsibility on the mayor of each village, appointed by himself, and who, in his turn, looked to the chief of each serf family; for it would have been practically impossible for the lord or his steward to

* During the existence of serfage, the unit of labour and taxation was the "tiaglo" (literally "burden-drawer"), generally composed of a husband and wife, sometimes even of a bachelor and maid, two young men, and so on. The lord multiplied his tiaglos as much as possible, and while each unit was "taillable et corvéable," the tiaglos formed collectively but one family, with one responsible head. The family thus artificially agglomerated was frequently composed of twenty persons, divided into six, eight, or ten tiaglos, according to their condition and respective ages. The allotment of land was generally calculated on the tiaglo. Tiaglos were also divided into units of foot and horse service.

follow the movements of each taxable "soul,"* to judge of his solvency, and to prevent him from evading his obligations towards the Crown. As the Government has, under the Emancipation Act, rendered the members of each commune mutually and collectively responsible for the payment of taxes and the furnishing of recruits for the Imperial army, so before the year 1861 the lord made the serf family mutually and collectively responsible in respect to the same obligations, and looked to the patriarch of the family, as the State now does to the "starosta" (elder) of a village, for the due fulfilment of all liabilities.

It was in the family life of the serf that the communistic principle, so much extolled by the Russian Socialistic school, took its rise and flourished. Those writers repudiate the idea that the Russian commune, such as it was before 1861, was only the Germanic mark and the Saxon tithing, arrested in its development into a European parish of freemen. They still fail to see that Russian socialism and communism, as practised in serf life, were the offsprings of slavery, and that, as such, they can find no place in a free constitution of society.

The Russian peasant, however, who is supposed by those writers to have a singular disposition for communistic organization has, since 1861, asserted, in no mistakeable manner, that a communistic family life is unsuited to his new condition as a man endowed with civil rights. It was in respect to his home relations that the emancipated serf first began to realize the liberty for which he had so long waited. His first movement—and the movement that stands out in the greatest relief as an effect of emancipation—was to throw off the yoke of the patriarch, and to enjoy individually such civil rights as were bestowed upon him under the new dispensation.

A division and sub-division of families began soon after 1861, and, although partially checked by the Central Government, continues to this day, in a ratio that bids fair to place the majority of adult peasants at the head of separate households. In every village throughout Russia the observation may be heard, that "Now each is for himself;" that families no longer live in harmony, and that the women of a household quarrel over their respective shares of work, as well as over the portion of the common earnings to which they are severally entitled.†

Fathers and sons have very generally dissolved a partnership in which the father alone was purse-bearer. Brothers have divided the common stock of oxen, sheep, horses, and implements, and commenced life with a new energy, building their own cottages, and tilling their own allotments; each working for himself, his wife, and little ones. Even the women of a peasant family now insist on spending on themselves entirely their earnings, or the produce of their spindles and looms.

The young have ceased to yield implicit obedience to the old, since the law recognizes no distinction in age, and gives equal rights and privileges, in respect to land, to all males registered at the same census.

When inquired into, however a deeper cause still than is evident on the surface, will be discovered to account for such an extraordinary severance of family ties and interdependence. There is, in reality, throughout most of the provinces of Great Russia, a moral cause in operation, equal, perhaps, in force to the stimulus of material self-interest. It may be considered as a protest against the immorality which, in Russia as among the negroes, was the natural consequence of slavery. In Russia that immorality had taken a form that was particularly obnoxious even to the immoral serf, if he happened to be a married man, and was obliged to leave his wife for any time under the protection of his father and patriarch.

The custom, in fact, was very prevalent of marrying sons of tender years to women of riper age, particularly in households where the patriarch had become a widower, and where, consequently, the family had lost a female labourer.

The subjection and degradation of women in a social organization, in which even a man was only a chattel, favoured the existence of an incestuous intercourse, which greatly complicated the relations of blood in a peasant family, and often led to the brutal treatment of helpless wives by injured husbands.

It was also a crime which had a natural tendency to reproduce itself, for the son, bound early in wedlock to a woman much older than himself, would, on reaching a marriageable age, feel some amount of aversion for the partner to whom he had been united under such peculiar circumstances. He would revenge himself on the social

* Male peasants are in Russia technically termed "souls."

† In some parts of Southern Russia, it is now customary, where two sisters-in-law still inhabit the same hut, to draw a line in chalk on the floor to mark the limit of their respective dominions.

custom which had done him the injury by leading an immoral life, and ultimately by doing by his own son what his father had done by him.

The effect of the reaction that has now set in against the exercise of such an unnatural* prerogative cannot be over-estimated in its importance, both as the dawn of a better appreciation of virtue, and as a death-blow to the communistic system in family life, of which the development has been so ardently desired by Russian societies.†

The question of the dissolution of the Russian family system has also an important bearing on that of military recruitment, which is at present calculated to remove from the family commune only such of its members as can best be spared. The separatist movement may even in part be attributed to a desire to evade the liability of being considered a superflous member of the communal society; and the Government, viewing it in that light, has consequently been inclined to oppose a more rapid dispersion of peasant families.

Another important result may be expected from the disintegration of the old serf units, namely, that it will have the effect of checking the migratory, nomadic tendency of the Russian people.‡ As a member of a communal family, the serf could leave his wife and children at home while he ranged over the country to tempt the smiles of fortune, and frequently only to escape from the burdens and melancholy slavery of the family life. He knew that, whatever happened to him, his wife and children would get their share out of the common bowl of buckwheat or cabbage soup. The chains of his serfdom were heavier at home than abroad, and he was anxious to lighten them whenever the chance occurred. Now, however, since the peasant cannot leave his wife and children with equal facility and security, as regards their material provision, he becomes attached to his homestead by natural ties that will render unnecessary the application of those unnatural laws by which a nominally free peasantry continue to be firmly attached to the soil.

The separatist movement in peasant life may likewise be considered from a commercial point of view. That life might have been seen, before 1861, stereotyped, as it were, in every village. The habits of the people, their food, their clothing, had been preserved from remote ages by traditions which had descended from patriarch to patriarch. In every country the old have more or less a natural aversion to innovations, which is almost unheeded in the stronger tendency of the young for change and progress. In Russia, however, the young and energetic of a village commune possessed no influence whatever. The elder members of the communities lived according to past traditions, and the future was, after all, of little promise or brightness to them as serfs. By a natural instinct they opposed all changes, for their despotic sway would have been endangered by the triumph of any new ideas applied to mode of life, clothing, or agriculture. The creation of artificial wants was in direct opposition to the interest of the patriarch, whose great object was to keep together whatever money the family earned by a common effort of industry. That the domestic powers of the patriarch must have had considerable effect in arresting the development of artificial wants, the satisfaction of which can alone incite the peasant to increased efforts of labour and to civilization, may, with great certainty be inferred from the extraordinary increase of trade which has taken place since 1861 in articles of peasant-luxury, and principally in gayer and more civilized clothing, and that, too, during a period which has certainly not been, marked by any very great increase of prosperity among the agricultural population. On the contrary, the peasantry are, by many serious, although somewhat alarmist, authorities, considered to be poorer, rather than richer, since their emancipation. They cannot, in any case, be said to be much more prosperous, since

* The prerogative perhaps is not unnatural from a communistic point of view. The history of religious sects in America seems to prove that the very foundation of communism is the community of women.

† "The dissolution of families, although very unprofitable to the peasantry for the time, is absolutely indispensable as a radical check to that domestic despotism which most particularly oppressed the female sex, and to those unnatural, immoral relations between the sexes in peasant families, which were produced by the *règlementations* of serfage and by the Government (fiscal) administration.

"In Little Russia, each member of a peasant family leaves it on marriage and sets up a separate household; and we see that where such a custom exists, the relations between the sexes, and the position of a woman, are incomparably higher than in the provinces of Great Russia."—W. Bezobrazoff's "Our Conservatives and Radicals."—"Russian Messenger." Moscow, 1869.

‡ In some of the industrial districts, villages may still be found populated at certain seasons of the year exclusively by women and children. The men absent themselves in the pursuit of some trade, leaving the women to plough, sow and reap, to pay the taxes, transport convicts, and discharge other duties towards the State. They fill the offices of starosta, policeman and tax-gatherer, and, in fact, conduct the whole of the communal administration. On the shores of the White Sea, women often drive the post-carts, whence that branch of the service taken the local name of the "Sarafannaya," or "petticoat post."

their new position in the State, the rupture of their relations with the lords on whom they formerly depended for everything, and the great increase which has taken place in the local and Imperial taxation of the country,* must for a time weigh heavily on their slender resources.

The dissolution of the family communes is of itself sufficient to reduce the peasantry for a time to comparative indigence, for each member of the family, on leaving it, receives but a share of its small accumulations and farm stock.

The determination which the peasantry have evinced to overcome their temporary difficulties is a strong evidence of latent energy and virtue in the Russian people, and one of the healthiest symptoms of improvement that has resulted from the civil rights granted to them by the Emancipation Act.

(2.)—*The Perpetual Usufruct (Tenancy) of Homesteads and Territorial Allotments.*

On the $\frac{1st}{13th}$ November, 1869, almost exactly one-third, viz., about three millions of the male population of ex-serfs in Russia Proper, were, like the whole of the ex-Crown peasants (23,000,000), perpetual tenants (usufructuaries) of homesteads and allotments of arable land. Setting aside, for the present, any inquiry into the actual condition of the former peasants of the domains of the Crown, it will be seen, from an appendix to this Report, that the tenants who were formerly serfs may be supposed to hold the permanent usufruct of an allotment of about 10 acres ($3\frac{1}{2}$ dessiatinas) per male at a rental, which, although imposed in the form of a poll-rent, will, when divided by the average area of land alloted to the peasantry, give a rental of about 2*s.* an acre.† The Emancipation Act establishes a maximum payment per head for a maximum allotment of land, and where the allotments are below the maximum, the payments are reduced according to a scale that differs in each one, but which has the effect of equalizing the rental per acre. The rental may be paid either in money or service, on condition of contracts for payment in service not being made for a term exceeding three years at a time, the Government reserving to itself the right of re-assessing the rental in 1881.

This was the only form of land occupation that was made compulsory by the Emancipation Act, and that only for a period of nine years from 1861. It has left to

* The poll-taxes have been increased 50 per cent. since 1861, viz., in 1862, 1863, and 1867. Senator Hagemeister, in a work on the Russian Budget, makes the following statement of the increase in the taxation of the rural classes between 1848 and 1866 :—

	1848.	1866.
	Copecks.	Copecks.
Poll-tax	95	125
Provincial taxes	60	100
Contributions in carting, &c.	60	100
Recruiting charges	10	7
Communal taxes of ex-serfs	..	50
	225 = 6*s.*	382 = 10*s.* 2*d.*

Increase, 69 per cent.

The "Moscow Gazette" (No. 235 of 1869), has shewn that the average payments of a peasant under the head of "Imperial Poll-tax" and "Imperial Territorial-tax" (Zemskié), will average 2 roubles 74 copecks (7*s.* 4*d.*), or 8 roubles 14 copecks (21*s.* 9*d.*) per family. These taxes represent an impost of $50\frac{3}{4}$ copecks per dessiatina on the land, or $5\frac{1}{2}d.$ per acre. In some provinces, however, it falls much more heavily on the land, viz. :—

	Per Dessiatina.	Per Acre.
	R. c.	*s.* *d.*
Penza	1 65	1 $6\frac{1}{4}$
Kief	1 29	1 1
Moscow, Poltawa	1 0	0 $11\frac{1}{4}$
Tula	0 94	0 $10\frac{3}{4}$
Archangel	0 90	0 $10\frac{1}{4}$

The annual redemption payments for land in the same provinces average 1 rouble 76 copecks per dessiatina, or 1*s.* 8*d.* per acre.

† 2 roubles 10 copecks per dessiatina.

the proprietor and the ex-serf to arrange the terms of tenancy, on condition of those terms not being more onerous to the usufructuary than the law permitted. The conditions of lease were recorded in the "settlement deeds" of each commune which were drawn up between the years 1861 and 1863, and which have served as the bases of further negotiations. It has already been shewn that the creation of a common class of tenants at a fixed rent, and for a period of six to twelve years, was one of the earliest proposals of those who were charged with the preparation of the new law, and the Emancipation Act, to a certain extent, adopted the idea, and only made the term of compulsory lease and tenancy nine years, instead of six or twelve years. But the tenancy law of the Emancipation Act differs from the original proposal in two important particulars. Firstly, it extends the right of tenancy to perpetuity; and, secondly, it converts that right into an obligation, with the alternative of the peasant converting his perpetual tenancy into a freehold with State assistance.

In reality, it is not the peasant who can select between the system of perpetual tenancy and that of freehold. His former master has the arbitrary power of compelling him to remain attached to the soil which he cultivated before his emancipation by becoming its purchaser, and it is evident from the following statement that that power has been, and still is, extensively used.

LAND SETTLEMENT confirmed by the Redemption Board.

	Voluntary.	Compulsory.
1862	1,238	330
1863	4,808	1,366
1864	6,914	2,438
1865	3,625	2,324
1866	1,121	4,333
1867	880	3,843
1868	529	3,273
1869 (to November 1) ..	469	3,464
	19,584	21,370

These settlements do not include those which have been forcibly made in the old Polish provinces of Russia, where the "perpetual tenancies" were converted into freeholds by a subsequent Act of the Legislature, regardless of the desire and interest either of landowner or peasant. Without reckoning these, it is plain that, of the total number of Russian peasants who have been made freeholders—viz., 3,614,882—nearly 2,000,000, inhabiting almost exclusively the industrial and less fertile provinces of Russia, have been deprived by their former lords of the option of remaining perpetual tenants or of quitting their allotments after $\frac{\text{February 19}}{\text{March 3}}$, 1870. Of the 3,000,000 that are now only tenants, a great part will still be prevented by their landlords from migrating, and the residue will consist only of such as will be tied down to their tenancies by the common interest of lord and usufructuary.

As in the case of its mortgagees, so in that of the peasants who stand towards it only in the relation of tax-payers, the State has reserved to itself powers, which, failing the effect of those vested in the lord, are calculated to prevent the peasant from abandoning his tenancy with any ease. He is bound to become a member of some other commune, to purchase land in sufficient quantity outside his own commune, or to gain admission into some taxable class of His Imperial Majesty's subjects—such as the class of burghers—before he can be allowed to relinquish his tenancy. It is throughout the Emancipation Act incumbent on the peasant to place himself in a position in which the tax-gatherer can at any time find him. Even these two conditions can only be fulfilled by complying with a variety of other conditions and formalities.

Before a tenant can leave his commune and relinquish the allotment which he holds, he must obtain the consent of the communal administration, which will demand:

1. The cession of his right to a portion of the communal allotment.

2. The cession, to the proprietor, of the allotment which he cultivated, if the commune refuses to accept it.

3. The performance of his liabilities, if he have any, in respect of the annual recruitment.

4. That he shall make good any arrears of Imperial, local, and rural taxes due by his family, and pay his taxes up to the 1st of January of the following year.

5. That he shall satisfy all private claims and perform all contracts that are beyond dispute, and that shall have been exhibited to the cantonal administration.

6. That he shall not be at the time under judgment or pursuit.

7. That he shall make provision for members of his family, who, while remaining in the commune, may be unable, from youth or old age, to do any work.

8. That he shall make good any arrears of rent due to the lord on the allotment which he held; and,

9. That he shall present the resolution of another commune, admitting him as a member of it, or a certificate to prove that he has purchased the freehold of a plot of land of an area of at least two maximum or statute allotments, situated at a distance of not more than fifteen versts (ten miles) from the commune to which he desires to attach himself.

It is true that he may, without leaving the commune, relinquish the allotment which he held in it, but it is only on condition of his purchasing the freehold of an estate of an area of at least two maximum or statute allotments within ten miles of his commune.

But he cannot give up his land allotment without relinquishing his homestead, unless he shall have purchased the latter with the consent of the lord, a consent which it is not the interest of the lord to give.

There are two very difficult conditions on which a tenant can leave his commune, even after the expiration of the term of his compulsory tenancy, without obtaining the consent either of the lord or the commune, namely, by paying into the communal fund a sum that will represent $16\frac{2}{3}$ years' purchase of his annual quit-rent, capitalized at 6 per cent., or by the lord relinquishing his right to the perpetual quit-rent due by the tenant; or, again, by the lord permitting the commune, and the latter consenting, to assume the responsibilities of the out-going member.

The necessity of gaining admission into some other commune, or into some taxable class, is of itself sufficient to render impossible the migration of the remaining tenants to any great extent. The quantity of land held by a commune being limited once for all, its interest will not lie in the direction of admitting new members. If the commune is prosperous, and owes no arrears, why should it bestow a portion of its prosperity on a new comer? And if it be in a condition of poverty and indebtedness, the seceder from another poor village community will naturally not seek admission into it. And then, as regards the burgher class into which, under the Emancipation Act, the seceding peasant, after fulfilling all the other heavy conditions imposed upon him, is allowed to seek admission, it is doubtful whether the Government will allow this provision of the Act to remain unexplained by a circular*, since the the burgher class is no longer liable to a capitation tax.

There is, however, a middle course between compulsory perpetual tenancy, and almost equally compulsory acquisition in freehold. It consists in accepting at the hands of the lord a quarter of the maximum land allotment, inclusive of the peasant homestead, as free gifts, given by the lord, and accepted by the peasant, as a settlement of all claims and a rupture of all compulsory relations between them.†

About 600,000 peasants have accepted these terms and become proprietors of their homesteads, and of about three acres of arable land. But it is a remarkable fact that nine-tenths of these settlements have taken place in provinces which are the most fertile in Russia, and in which it would seem to be the interest of the peasant to purchase his full allotment of black soil.

On the 1st of March, 1869, the proportion of peasants who had acquired land without

* The Emancipation Act has only undergone alterations in one particular by legislative process, but many of its provisions have been considerably modified by Ministerial Circulars explanatory of principles or of the mode of applying the law.

† Prince Paul Gagarin, the author of the clause in the Emancipation Act which permits this mode of settlement, had originally proposed to make the acceptance of the gift-allotment compulsory on the peasant, but the influence of the Grand Duke Constantine, as President of the Emancipation Committee, prevailed in favour of a voluntary agreement on both sides. The idea was probably taken from the Prussian Law of Emancipation, under which one-half to one-third of the lands occupied by the peasantry reverted to the lord, as compensation for the absolute cession of the remaining half or two-thirds, the State coming to the assistance of the peasant in purchasing the land thus given back to the lord.

the aid of Government, namely, those who had for the most part accepted the gift of their homesteads and quarter allotments, was as follows:—

	Number of Peasants who have accepted the gift acres.	Relation to total numbers who have redeemed their Allotments.
		Per cent.
Perm	109,928	98*
Orenburg	5,821	65
Ufa	28,152	49
Samara	25,502	41½
Saratof	90,942	41
Kazan	25,036	36
Ekaterinoslaf	39,947	29
Simbirsk	35,576	24½
Voronej	34,639	22
Don Cossack Country	16,672	22
Penza	32,440	18
Nijni-Novgorod	12,627	13

A mode of settlement so widely adopted in the most fertile provinces of Russia, where it is not the interest of the peasant to abandon the soil, can only be considered in the light of a protest against the false principles which would seem to pervade the Act of Emancipation. The peasantry of most of the provinces above enumerated, many of which are watered by the Volga, are noted for a spirit of independence, and an impatience to become free which they have imbibed, either from the Cossack life of their ancestors, from religious dissent, or from a succession of rebellions between 1605 and 1774.

Anxious to sever at once their relations of dependence, and unwilling to incur fresh obligations towards the State by borrowing its money, the peasantry of the Volga basin have taken the gift dessiatina, or the "Beggar's Allotment," as they have contemptuously called it.† A dislike to the communal life, and the system of collective responsibility by which it is attended, has also acted as a powerful incentive to those peasants in preferring to become the proprietors of a small freehold in gift. In many cases the gift has been accepted on the advice of the richer members of the commune, who have greater reasons than their poorer brethren to object to the collective responsibility which the Government has thrown upon them, for where the poor cannot pay, nay, where they form a majority and are not under private pecuniary obligations to the rich man of a commune (who is generally its banker), it is the latter who pays the greater part of the Imperial taxes and annual redemption dues.

There can be no doubt that, were it not for the power of the lord to compel the peasant to become a purchaser of land, the mass of the peasantry in the northern and central provinces would have willingly accepted the "Beggar's Allotment," with the view of removing, after 1870, to lands of better promise.

The proprietors in the Black Soil provinces, on the other hand, have little fear of their villages becoming depopulated in consequence of so extensive an acceptance of the gift freehold. The peasantry of those villages have shown that they desire nothing better than to be left free to lease or purchase any quantity of land which they may require, at a price which they can settle with the landowners. They avoid, by such a course, one of the worst results of the compulsory allotment of land—that of getting a larger allotment, and consequently a larger share of the communal liabilities than they can severally undertake, for the land being repartitioned according to the number of males in each village, irrespective of age or physical capacity, the burden of more than fifty per cent. of the males falls on the healthy and middle aged.

In considering the laws that regulate the peasant-tenure of land in Russia, it is always necessary to bear in mind this important circumstance, that it is not only the able-bodied labourer, but the infant, and the tottering patriarch also, that get an allotment of arable land, of which the possession is attended with burdens that necessarily fall on the members of the peasant family who are capable of working, viz., only on about 40 per cent. of the rural population. This circumstance causes the average allotment of ten acres per male to represent something like twenty acres to each able-bodied peasant, with corresponding burdens.

* Some of the serfs attached to mines are included in this calculation.

† It is also sometimes called the "Orphans," and the "Scanty" allotment.

In the case of those who have accepted the "Beggar's Allotment," this inequality in burdens is avoided. The young, the old, and the infirm, are not liable for any rent, while the able-bodied can lease or purchase, outside the village commune, as many acres as they may be capable of cultivating.

This comparatively equitable mode of settlement has been tried on many large estates, and particularly on a seignorial domain of 131,000 acres in the most fertile district of the province of Simbirsk.

On that estate, which may be taken as a pattern of the best managed properties in Russia, the male peasantry, numbering 3,000, were settled in 11 villages.

Under the Emancipation Act they could have insisted on being perpetual tenants of 34,320 acres,* at a rental of 24*s.*† per male, or about 2*s.* 1½*d.*‡ per acre, with the option, nominally, of quitting their farms on the 19th of February, 1870.

The lord was interested in keeping so many villages on his estate populated, for he was greatly dependent on them for labour on his own land, particularly at harvest time, while the peasantry knew that they might obtain the lease, at a nominal price, of immense tracts of uncultivated land on the opposite bank of the Volga, without incurring any further liabilities towards the State.

They were in a position to demand the perpetual usufruct of their holdings, but the lord was equally empowered, by the Emancipation Act, to insist on their firmly attaching themselves to the soil by becoming its proprietors. He gave them the option of purchasing the 34,320 acres for 48,000*l.*,§ or of accepting the free gift of their homesteads with a quarter of the maximum allotment of arable land, viz., 2·86 acres, the homesteads occupying about 1·43 acres of the territorial allotment.

The annual redemption payments which the State would have exacted from the peasants, after advancing the sum of 48,000*l.*, would, during a period of 49 years, have amounted, at 6 per cent. interest and sinking fund, to 2,880*l.*, or 1*s.* 8*d.* per acre;‖ but considering that, according to the system of cultivation practised in Russia, one-third of the arable land, or 11,440 acres, would lie fallow, the yearly redemption payments would in reality fall upon 22,880 acres, in the ratio of 2*s.* 6*d.* per acre¶, for land which, if sown with rye, would yield 8 fold,** and with wheat 3½ fold,†† *without* being manured.‡‡

Notwithstanding the low price at which the 3,000 peasants could have acquired their lands in freehold by annual payments extended over forty-nine years, they rejected the offer, and agreed to accept the gift of their homesteads, with the "Beggar's Allotment." The lord proceeded to settle upon them in freehold, without any compensation, an area of 13,933 acres, inclusive of the land occupied by their homesteads, which gave an average holding of 4½ acres per male, or about 3 acres of arable land to each male peasant. The freehold of the arable land was vested, however, in the communes, which thereupon acquired the right of repartitioning it according to the wants or capacities of its male members, while the homesteads became the inalienable freehold of individual peasants.

Deducting a third of the land which would be fallow, each "soul" then acquired the right of holding under the commune about 2 acres of cultivable land. As, however, practically, only 40 or 50 per cent. of the male population was capable of field work; each able-bodied peasant got about 4 acres, free of rent, and subject only to the Imperial, provincial, and local taxes, which continued to be assessed upon him, irrespective of the quantity of land he tilled.

It evidently became necessary that the able-bodied peasantry, or, at all events, such of them as were willing to work, or to continue agriculturists, should lease land in their immediate neighbourhood.

They applied to the lord, not as a commune, but as a section of it; and, after some bargaining, signed a contract for the yearly lease of 11,440 acres of arable land for spring crops, and about an equal quantity of fallow land for winter corn.

* 12,000 dessiatinas, the maximum allotment for the district being 4 dessiatinas (11½ acres).

† Obrok of 9 roubles.

‡ 2 roubles 25 copecks per dessiatina.

§ Had the peasants purchased their holdings voluntarily, the purchase-money would have been 60,000*l.* (24*s.* per head, capitalized at 16⅔ years' purchase), but, as the lord demanded the redemption, he sacrificed 20 per cent. (12,000*l.*) of the capitalized valuation.

‖ 1 rouble 80 copecks per dessiatina.

¶ 2 roubles 70 copecks per dessiatina.

** 70 poods per dessiatina (7¾ cwt. per acre).

†† 45 poods per dessiatina (5 cwt. per acre).

‡‡ The same crops on the manured lands of the lord would yield 14 to 16 fold.

The latter, according to the custom of the country, they obtained free of rent; but, for the land for spring sowing, they agreed to pay the following rates:—

					R.	c.		s.	d.	
110	dessiatinas at	..	..	..	4	50	or	4	3	per acre.
3,039	„	..	..	..	5	0		4	8	„
247	„	..	..	..	5	40		5	0	„
523	„	..	..	..	6	0		5	7	„
38	„	..	..	..	10	0		9	4	„
30	„	..	..	..	11	0		10	4	„
19	„	..	..	..	12	0		11	2	„

The total of the annual rent amounted to about 2,800*l.* (21,121 roubles), or an average of nearly 5*s.* an acre;* but, as this rent was inclusive of the gratuitous cession of the fallow land, over which the peasantry would have the right of pasture, the real rent per acre of the land leased from the lord would be 2*s.* 6*d.*,† or almost exactly the price at which the communes might have purchased their allotments by annual payments terminating in 49 years.

In addition to the arable land, the same peasants leased about 1,700 acres of meadow land, at 1*s.* 5*d.* per acre,‡ and about 12,000 acres of pasturage, for which they agreed to render certain services (principally hay-making), in lieu of a money rent. But, as they would have been compelled to lease the same quantity of meadow and pasturage land had they agreed to purchase their allotments, it is not necessary to take the lease of these meadows, &c., into consideration.

What, then, were the calculations that induced the peasantry to become small freeholders under their communes, and tenants under their lords? The latter sacrificed, without a murmur, nearly 14,000 acres of soil, equal to any in Russia; but the sacrifice redeemed the otherwise unavoidable cession of the perpetual usufruct of 34,320 acres, in return for the sum of 48,000*l.*, which the Government would have given him in stock, bearing 5 per cent. interest, but which, if sold to-day, would involve a further sacrifice of 7,000*l.*, the redemption stock being at present nearly 15 per cent. below par.§ At any rate, the interest on the stock with which the Government would have compensated him so inadequately, would not have amounted to more than 2,500*l.* a-year; whereas, by presenting his peasantry with 14,000 acres, and leasing to them an additional quantity of about 23,000 acres, irrespective of meadows, &c., he obtained a rental of 2,800*l.* a-year, with the prospect of seeing the rent of the 23,000 acres doubled within the next ten years.‖

It is clear that the lord lost but little, if anything, by giving up 14,000 acres, and, if the rent of the meadows be considered, even by relinquishing the quit-rent which his peasants formerly paid, and which, at the rate of nine roubles per head of the male population, had brought him in 27,000 roubles or 3,600*l.* per annum.

What the peasantry gained cannot be so easily estimated in money. They obtained the invaluable advantage of escaping from the otherwise unavoidable condition of becoming debtors to the State and attached to the soil for the long period of 49 years. They acquired a greater portion of those civil rights of which they had expected the entirety in 1861.

They were not forced to remain tillers of the soil, but were left unfettered to pursue any occupation they might select, subject only, like other taxable "souls," to supply the Government with certain annual contributions in men and money.

Materially, their advantage has not been insignificant. Instead of being forced to cultivate 34,320 acres, of which a considerable proportion might have been land of inferior quality to the rest, they are now at liberty to select their own land, and to lease only such portions as will, at a commensurate rent, most amply reward them for their toil.

Far from throwing up their holdings or becoming prolétariats,¶ the best men of the communes, dissolving partnership with the idle and the infirm, came forward to lease an area of land which, when added to the land received by them in freehold, gave a far greater acreage than the Emancipation Act had allotted to them.

Some of those peasants found it more profitable to lease land even at 11*s.* 2*d.* per

* 5 roubles 40 copecks per dessiatina.

† 2 roubles 70 copecks per dessiatina.

‡ 1 rouble 50 copecks per dessiatina.

§ It has been very much lower.

‖ It will be shown in Part II of this Report that the value of land in Russia continues to increase.

¶ "Although 80 per cent. of the population in Russia is in the enjoyment of land, the per-centage of prolétariats is exactly the same as in England, with a rural population of only 9 per cent."—"St. Petersburg Gazette," No. 356, 1869.

acre than to purchase a maximum allotment at 2*s.* 6*d.* an acre. Stimulated by the success which has attended their freely and economically applied labour, they will, in all probability increase their farms from year to year. They will, in the natural course of the development of their own interests, obtain long leases of land in the vicinity of their freehold plots, instead of leasing from year to year lands which they therefore hold at a rack-rent, and of which the rental must increase simultaneously with the demand for more land. As yet the position of the landowner granting leases has been somewhat precarious. The rude mode of cultivation pursued by the peasantry of Russia renders the crops almost entirely dependent on atmospheric conditions. The harvests, therefore, not unfrequently fail, notwithstanding the wonderful richness of a soil to which but little, if any, artificial stimulus is ever applied. The failure of a crop involves a loss of seed, which the peasant, in his poverty and in his want of fair banking facilities, is not always able to make good. Thus, in the case of the lord whose tenancy arrangements have served to illustrate this portion of the Report, a bad harvest has been invariably followed by a diminution of the area of land leased during the succeeding year. The cause of this precariousness may be stated as follows :—The abundance of rich arable land and the thinness of its population, has kept its value very little more than nominal. The lord and the peasant, commanding such a great extent of land, have found it more profitable to spread their rough tillage over as many acres as they could sow, rather than to adopt a somewhat scientific process of farming over a smaller portion of land. They consequently have almost generally practised the three-field system of agriculture, under which a third of the land remains fallow every year.

Since the lord has been deprived of serf labour, he has been called upon to economize the employment of human hands. He has more or less intensified his farming operations, and is striving to make them more profitable by the introduction of machinery and improved implements. With the peasant-tenant, however, it continues to be otherwise. He is passing through a great crisis in his existence. Instead of being the member of a family commune, comparatively rich in cattle, implements, seed, and, perhaps, in ready money, he has asserted the independence of his individuality, and commenced farming with only a small portion of the resources which had been previously at the disposal of the family. His holding, reduced by the acceptance of the "Beggar's Allotment," and detached from the family plot, will feed less stock. His temporary difficulties have, very generally, compelled him to surrender to the tax-gatherer part of the stock which he received as his share of the communistic wealth. His chief hope rests in a middling crop over a great extent of land cheaply leased. The rent is payable, mostly, only when the crops are cut. His only expenditure is for seed, of which great waste is made throughout Russia, owing to the extent of land badly and hurriedly cultivated,* and likewise to the prevalence of a popular delusion that "the more is sown the more is reaped."

Unless the crops of the preceding year shall have been sufficiently bountiful, and the peasant shall not have been compelled, from any increase in his financial burdens, to dispose of all the wheat and rye which he may have gathered into his garner, the spring finds him without seed and without money. His neighbours, depending like himself almost entirely on climatic conditions for the reward of their agricultural labours, are on the same level of impecuniosity and want of seed. The rich man of the village will not lend either money or seed, except at a rate of interest that would absorb the greater part of the produce of the seed, even in the event of a good harvest.†

A great proportion of the peasants who lease lands, therefore, will only take them from year to year, in order to be free to throw them up in case they are unable to obtain the necessary quantity of seed in spring.

Moreover, under the exhaustive system of agriculture, they require more and more of the lord's land that has long remained fallow.

The disadvantages that result both to the lord and the peasant from the uncertainty of the duration of leases, are entirely removed by the *métayer* system, which is becoming more and more general where the peasantry are forced by circumstances of their position to lease lands. Large tracts are now leased to the peasantry on the condition of their sharing the crop with the lord, who supplies the necessary quantity of seed, which is returned to him with the crop.

It will be assumed from the preceding observations, that the liberated peasantry who hold the "Beggar's Allotment" are very much in the power of the lord in respect

* In the northern provinces of Russia all the processes of agriculture must be completed within a period of five months.

† In some of the northern provinces the peasantry generally sell all their produce in the autumn, when their rent and taxes are due. They will, perhaps, get 15 copecks a chetvérik for their oats, and in spring they will, if they can get the money, buy the same oats for seed at 50 copecks per chetvérik.

to the conditions on which they can obtain the lease of additional land, and, to a certain extent, the assumption is correct. But the exercise of that power, and its almost entire withdrawal, are conditional upon the continuance of the present fiscal state of the Empire, which prevents even the peasantry who are freeholders of "Beggar's Allotments" from leaving their holdings without fulfilling the administrative and fiscal conditions already enumerated.

This is the web that brings the fly within the power of the spider. Bound to his holding, the peasant can only lease land in its immediate vicinity. The lord can name his own conditions, within, however, these important limits,—that, should he fail to arrive at an understanding with the peasantry respecting the rental, he will find a difficulty, if not an impossibility, in attracting other farmers, the effect of the Emancipation Act having been to attach firmly the bulk of the peasantry to the soil which they tilled in 1861.

From this circumstance it is likewise within the power of the peasantry to oppose any excessive augmentation of the rental; for their aggregation in villages permits them to apply to the lord in a body for the lease of the lands, and to establish a species of strike or trade's union.

Many cases of this kind have occurred;* but they have not unfrequently terminated in favour of the lord, who, with the assistance of the fiscal system, can reduce to starvation the freeholders fixed to "Beggars' Allotments."

(3.)—*Right of converting Liabilities in Service into a Money Rent.*

Notwithstanding the right conferred on the peasantry of demanding the commutation of their liabilities in service into money rents on terms fixed by law,† they continue to shew a marked preference for the system of socage, particularly as the Emancipation Act took away from the lord the power of chastising the idle and negligent, and of imposing more labour than was due by law in respect to the land held by the peasant.

Originally the emancipation made this right an obligation, by withholding State assistance in the redemption of allotments held on terms of socage; but in 1862 the distinction between peasants paying rent in service or in money was abolished by "Supplementary Rules," under which the lord can insist on his tenants, whether paying money rent or rendering service, becoming purchasers of their allotments with State assistance.

As the greater part of the peasantry in the northern and central provinces, who almost generally paid money rents to their lords, have been, more or less, forcibly converted into communal land proprietors, it may be assumed that a considerable portion of the peasantry who still remain perpetual usufructuaries discharge their liabilities towards the lord in service.

The *métayer* system, now becoming so common in Russia, is only another form of rent in service, but far more favourable than socage, both to the lord, the peasant, and the country generally.

The scarcity of money compels the peasantry throughout Russia to pay in service for the fuel which as serfs they obtained gratuitously and without any limitation, greatly to the detriment of forests.

Meadows, pasturage-lands, &c., are, as a rule, leased by the peasantry for labour, but the law prohibits the making of contracts on such terms for a period of more than three years at a time.

The operation of this clause in the peasants' Charter of Rights, has, on the whole, been equally favourable to the lord, with whom it still practically rests to decide whether his rents shall be paid in money or in service.

(4.)—*Compulsory Sale of Homesteads by the Lord, and Conditional Sale of Territorial Allotments.*

The homesteads of the peasantry of Russia had always been exempted from the communal system of occupation, and were transmitted hereditarily. Having been mostly built with their own hands, and with timber which the lord gave freely out of his abundance, the log hut was considered by the serf as specifically his own property.

* Peasants holding out for lower rents against a landlord determined to obtain a fair rental for his land, have in numerous instances established the system of "picketing" around the lord's manor, to prevent the approach of tenants willing to accept his terms of tenancy.

† *Vide* abstract of Emancipation Act.

It was seldom, if ever, assessed for rent either in money or service, which was leviable only on the arable land of which the peasantry held the usufruct.

The Emancipation Act recognized the inalienable right of the peasant to his homestead, and established a nominal value * at which the peasant might "redeem" his house without the territorial allotment, provided the lord should agree to cede the one without the other. This provision renders the enjoyment of the right conditional on the interest of the lord, which, as already shewn, consists in attaching the peasant to the soil by putting upon him a burden of land and taxation.

The compulsory sale of homesteads by the lord has therefore been in every case attended by the still more compulsory purchase of territorial allotments on the part of the peasantry.

A reference to the annexed abstract of the Emancipation Act will show that, although, nominally, the peasant has the option of either leasing or purchasing his homestead and land allotment, yet that it is entirely in the power of the lord to turn the balance in favour of redemption with State assistance. In the less fertile and industrial provinces of Russia, the lord has had a direct interest in compelling the peasant to become the proprietor of a small portion of his manor, which would otherwise have become depopulated after 1870, when the perpetual tenant will be nominally allowed to relinquish his allotment. By sacrificing, therefore, 20 per cent. of the compensation to which he would have been entitled if the peasant had proposed the conversion of the perpetual tenancy into a freehold, the lord could force the peasant to become the purchaser of a land allotment under the maximum and minimum scale of holdings. The extent to which the lord has availed himself of that power, and the proportion in which the peasantry have been forcibly converted from perpetual tenants into communal proprietors, or rather, tenants under communes,† and burdened with a debt for forty-nine years, will be seen from the following statement, which shews the number of voluntary and compulsory land settlements confirmed by the Redemption Board between 1862 and the $\frac{1st}{13th}$ of November, 1869 :—

Number of settlements, 40,954, of which—

Voluntary	19,584	or	48 per cent.
Compulsory	21,370	or	52 „

This statement does not include the results of the land settlement in the north-western and south-western (old Polish) provinces, where, since 1863, the purchase of land by the peasant and its sale by the lord at a nominal price has been compulsory by law. By including the settlements in those provinces and comparing them with the total number of emancipated serfs, the statement undergoes an important modification.

Thus—

Voluntary settlements in Great Russia, &c...		19,584
Compulsory „ „	21,870	
„ „ north-western and south-western provinces	21,014	
		42,384
Total number of settlements		61,968

Or—

Total voluntary	31 per cent.
„ compulsory	69 „

Assuming that the average number of peasants who are parties to each settlement is the same in both cases, it will appear that only about 2,000,000 of ex-serfs have become proprietors of allotments at their own desire, while more than 4,000,000 have become the compulsory purchasers of land which either the lord or the State has fastened upon them.

Deducting the 2,000,000 of the north-western and south-western provinces who have been made proprietors by the State on terms exactly 100 per cent. more favourable than those which were obtained for the peasantry in the rest of Russia, the number of involuntary purchasers of land in Great Russia is already about 2,250,000 against 2,000,000 of landed proprietors by choice.

Moreover, there is still a population of about 3,000,000 in Russia Proper, of whom a considerable number will be forced to bear the permanent burden of land before the expiration of the term during which they are not permitted to choose between the system of tenancy and that of freehold.

* *Vide* abstract of Emancipation Act.

† Except in the southern provinces, where the communal system does not exist.

The proportion of land acquired by the former is relatively greater than that which has been purchased by the latter, for it will be seen, from the following statement, that the compulsory settlements have taken place principally in the industrial and less fertile provinces of Russia, where the land allotments are of larger area than in the black soil country.

LAND SETTLEMENTS.

	Voluntary.	Compulsory.	Total.
Industrial and less fertile Provinces :—			
Wladimir	273	1,236	1,509
Vologda	90	502	592
Kostroma	227	1,557	1,784
Moscow	244	1,025	1,269
Novgorod	707	2,218	2,925
Pskof	236	2,810	3,046
Tver	540	2,611	3,151
St. Petersburg	375	805	1,180
Jaroslav	303	1,299	1,602
	2,995 or 18 per cent.	14,063 or 82 per cent.	17,058

The total number of land settlements in Russia Proper, exclusive of the north-western and south-western provinces, having been, on the 1st of November, 1869, 40,954, the proportion of compulsory settlements that falls on the industrial and less fertile provinces where it was not the interest of the peasant to buy land, is about 34 per cent. of the general total (52 per cent.) of forced purchases in Russia Proper, which leaves only 18 per cent. of compulsory land settlements to be divided among the thirty-five provinces that are not included in the foregoing statement.

Considering the extent to which the peasantry have been compelled to redeem their allotments, it is not surprising that they should, as a rule, look upon the "redemption operation" as a fresh burden. In some provinces the peasantry who are bound in annual payments have already styled themselves "Government peasants" (Kazennyé), and their allotments "Government land."

In one particular district this feeling of dependence on the State is promoted by the action of a magistrate* who fines the peasantry for negligently cultivating lands on whose productiveness the exact payment of the Imperial taxes and redemption dues entirely depends.

The peasantry of the old Polish provinces, so liberally provided for, are in some districts under the impression that the land allotted to them belongs to the Emperor, since a freehold tenure appears to their rude minds incompatible with the levying of heavy taxes and redemption dues by Government officers.

If the right of locomotion cannot with any facility be used by the peasants who are nominally free after the 19th of February, 1870, those who have been converted into communal landed proprietors by the process of redemption are effectually prevented from moving by the following restrictions over and above those already enumerated in respect to the perpetual tenants :—

1. Except with the permission of the Provincial Peasant Commission, no peasant can detach himself from a commune which owes any arrears of taxes or redemption dues.

2. A peasant who shall have purchased, with the assistance of the State, his own personal allotment of land,† can leave the commune to which he is attached only by selling his allotment to some other member of the same commune, and on condition of paying off the whole of the redemption debt due on his allotment.

3. In the majority of cases, where the land has been redeemed by an entire commune, an individual member of it may be liberated on condition of paying half the redemption debt due on his allotment, provided, however, the commune shall agree to take over the land attached to the homestead‡ as well as the allotment of arable land belonging to the seceding member, and become responsible for the remaining part of the redemption debt.

4. Only one-third of the members of a redeemed commune can be liberated on the above conditions. Any members in excess of that limit are called upon to pay the

* In the Province of Penza.

† *I.e.*, where the entire commune has not borrowed the State funds.

‡ The peasant is, under such circumstances, nominally permitted to remove his cottage and farm buildings.

whole of the redemption debt due on their allotments before they can leave the commune.*

The following practical illustration of the extreme difficulty and disadvantage that attend the carrying out of any desire on the part of the peasant to remove from an allotment forced upon him by the State and the lord, is taken from a Russian journal.†

"Taking, as an example, a commune composed of 100 male peasants in a district where the allotment is 11·44 acres and the rent 24*s.* per head, the capitalized value of the whole of the land allotted to the commune will (at the $16\frac{2}{3}$ years' purchase of the poll-rent) be 2,000*l.* Assuming that the peasantry have, in the present case, expressed a desire to purchase their allotments, the lord will receive from them 20 per cent. of the capitalized value, or 400*l.*, and 80 per cent., or 1,600*l.*, from the State in 5 per cent. stock, an advance on which, during 49 years, the peasants will have to pay to the State annually (at the rate of 6 per cent.) the sum of 96*l.*, or 19*s.* $2\frac{1}{2}d.$ per peasant.

"Should this settlement have been made five years ago, the peasantry would by this time have paid 480*l.* of the redemption debt, or a sum of 880*l.* if the 20 per cent. paid by them direct to the lord be included.

"On the 19th of February, 1870, a member of the commune in question wishes to retire from it with his family, consisting of two sons and a nephew, all born before 1858.‡

"It is first of all necessary, before the desire can be entertained, that the commune should owe no arrears of Imperial, provincial, or rural taxes; further, that the peasant shall have paid all his debts and not be under judicial pursuit, and that there should be no member of his family unprovided for in the commune. These conditions fulfilled, he can leave the commune only on the payment of half the redemption debt due on his allotment, which will consist of $45\frac{3}{4}$ acres (the two sons and nephew having each 11·44 acres), held at an annual payment of 3*l.* 16*s.* 10*d.*§ The debt or mortgage therefore amounts to 64*l.*, of which, during the five years, the peasant will have paid, at the rate of 12*s.* 10*d.* per annum to the sinking fund (the remainder, or 3*l.* 4*s.*, being interest on the debt), the sum of 3*l.* 4*s.*, leaving a debt of 60*l.* 10*s.*, on the allotment which he desires to abandon.

"He must pay to the Redemption Board half the debt which he thus owes, or 30*l.* 8*s.*, before he can be allowed to take the next step, which is, to persuade the commune to take over the $45\frac{3}{4}$ acres with the debt of 30*l.* 8*s.*, now payable in yearly instalments of 1*l.* 18*s.* 5*d.*, instead of 3*l.* 16*s.* 10*d.*, since the Redemption Board has received back half its original advance.

"Here the peasant may meet with a new difficulty. His co-proprietors may not desire to burden themselves with more land, and may be equally anxious to seek their fortunes elsewhere. In such a case the law provides no issue or alternative. It does not even say whether the peasant can leave the commune on discharging the whole of the debt due on his holding.

"But, assuming that the 96 peasants who remain in the commune are willing to take the land and its lightened burden off the shoulders of the retiring peasant, the latter has still to produce the formal resolution of some other commune admitting him as a member, or a certificate to prove that he has become the purchaser of at least two maximum or statute allotments of land.‖

"But even supposing these almost insuperable difficulties overcome, what is the sum which the peasant will have paid in order merely to acquire the liberty of leaving the soil to which he had been attached with his family by the Emancipation Act?

"He will have irrecoverably lost the following sums:—

	£	*s.*	*d.*
(1). 20 per cent. paid to the lord on voluntary redemption of four allotments	16	0	0
(2). Redemption payments during five years	19	4	0
(3). Half the capital of the redemption debt	30	8	0
(4). The redemption payment for the current year, as all payments are due up to the 1st of January of the following year . .	3	16	10
(5). Loss in removing the cottage or farm buildings, or loss on their sale, say, with cost of negociations with another commune . .	10	11	2
	80	0	0

* The Provincial Peasant Commission may modify these conditions.

† "Golos," November $\frac{13}{25}$, 1869.

‡ The last census.

§ About 1*s.* 8*d.* per acre.

‖ The law does not state whether the allotment to be purchased is to be the maximum for a "soul" or a family. It may be interpreted in the former sense.

"This large loss which the peasant is called upon to incur before he can leave his commune, represents almost exactly the original valuation of the four allotments held by his family,* and he is in addition called upon to buy perhaps twice as much land as he has abandoned, in case he can find no commune disposed to admit him and his family, on conditions as binding as those from which he has escaped at such great cost."

There can be little doubt that the case thus illustrated is one of hopeless despair for ninety-nine peasants out of a hundred of those whose interest it may be to abandon their holdings.

Tied to the soil by the arbitrary conversion of their tenancies into freeholds—adding every year by redemption payments to the stake which they hold perforce in the land, or, if not, falling into arrear with their taxes and dues—selling more and more of their cattle—disposing more and more of their seed as the spring advances—he peasantry of many Russian provinces, and particularly where the land is bad, are not as yet in a position which any other peasantry in Europe can envy.

The estimate of the average income and expenditure of a Russian peasant family, appended to the present Report, shows that, as a rule, the farming operations on statute allotments involve a deficit, which the family is compelled to make good by leasing land or by extraneous earnings.†

According to those estimates, carefully prepared by persons well acquainted with the circumstances of the peasantry, a farm of forty-seven acres in the unproductive Province of Novgorod, and farms of thirty-two acres in tho fertile Governments of Simbirsk and Samara, will barely afford the means of existence to a peasant family composed of three males, three females, and three or four children.

The items of expenditure are taken at the lowest possible figure, and do not include the proportionately-considerable sum which a family will spend during the year in spirits, &c. Nor does the estimate of expenditure make any provisions for the expense of fitting out a recruit when draughted from the family, the great expense of a wedding,‡ and the many small disbursements to which a family is liable. The taxes of such a family, including the redemption payments, which are levied by the Crown with the utmost strictness, amount on an average to little less than 50 per cent.§ of the sum which the peasants would realize by the sale of corn and other products in excess of the home consumption.

Rent and taxes will fully average 50 per cent. of the peasant disbursements throughout Russia, particularly if the indirect taxes which they pay on salt, spirits, articles of clothing, &c.,‖ be taken into account.

At the most moderate computation, each peasant in Russia pays 15 roubles (2*l.*) per annum in taxes and redemption dues, the proportion of the taxes being a little more than half of those annual payments.

The capitation tax, Imperial territorial tax, and the redemption payments taken together, will average 10 to 13 roubles (26*s.* 8*d.* to 34*s.* 8*d.*) per head of the rural population in Great Russia and Little Russia, or from 1 rouble 50 copecks to 3 roubles 50 copecks, and more, per dessiatina (1*s.* 5*d.* to 3*s.* 3*d.* per acre). The payments of a peasant household (two or three males) under these heads will average 30 to 60 roubles (4*l.* to 8*l.*), but the addition of local taxes will raise the total amount of taxation (in the Province of Moscow, for instance) to 18 roubles (48*s.*) per head.

In the Kingdom of Poland the taxes, inclusive of redemption payments, average 95 copecks per dessiatina (11*d.* per acre).¶

(5.)—*The means afforded by the State of fully and finally terminating, by the Redemption of Homesteads and Territorial Allotments, the Dependence of the Peasant on the Lord.*

A table appended to this Report shows the extent to which the peasantry of Russia Proper** have availed themselves of State assistance, in purchasing the land allotted to them under the Act of 19th of February, and the "Supplementary Rules" of 1862, which extended the basis of the "redemption operation."

* 2,000*l.* among 100 peasants; 20*l.* each, or 80*l.* for the four allotments under consideration.

† This term must be employed to convey the meaning of the Russian word "Zarabotki," which plays an important part in Russian peasant life, for it expresses the necessity of labour, in addition to ordinary farm work at home, in order to meet current expenditures.

‡ The trousseau of a peasant bride, purchased by the bridegroom, will cost from 15*l.* to 30*l.*, inclusive of a money payment to the father for the loss of a female labourer.

§ Simbirsk, 58 per cent.; Samara, 40 per cent.

‖ The high tariff enables the Russian manufacturers to exact from the peasants 75 to 100 per cent. more than would be possible under a low tariff, for cottons and cloth.

¶ "Moscow Gazette," No. 29, 1869.

** Exclusive of the north-western and south-western provinces, which form the subject of a special appendix.

Up to the $\frac{1st}{13th}$ of November, 1869, the number of male peasants who had become purchasers under the "redemption operation" was 3,614,882. The quantity of land allotted to them was 34,765,940 acres, or 9·61 acres per head, and the government payments to the proprietors amounted to 29*s.* 2*d.* per acre, the landowners having in less than half the number of cases obtained 20 per cent. more per acre from the peasants themselves in ready money, or in payment spread over a certain number of years.

It cannot, however, be said that the peasantry have become entirely independent of their former lords, by the act of borrowing 51,000,000*l.* sterling of the public money In many respects they are more dependent than ever. Their allottments are not large enough to include pasture lands and meadows of sufficient extent, and the lord can command his own price for the faggots of wood, which, where the peasant does not or cannot steal,* he is now compelled to purchase.

And even in respect to the arable land, it has already been shown that the quantity allotted to the peasantry is far from being sufficient for their present wants, and must become still less sufficient as the population, artificially attached to specific localities, increases.

In thirty or forty years, therefore, notwithstanding the advances made by the State, the communers, should they still exist, will be more than ever dependent on the lords, from whom no further expropriation of land can well be demanded.

(6.)—*Communal and Cantonal Self-Government.*

Before speaking of the self-government with which the peasantry of Russia were endowed in 1861 for the purpose of rendering perfect and harmonious the vast scheme under which they were emancipated, it is essential to inquire into the nature of the communal organization on which, as regards the provinces of Great Russia, the Land Tenure Laws under consideration have been based.

Modern researches into Russian history have discovered a very ancient origin for the Russian commune. Volumes have been produced by writers of the Panslavist, Democratic and Russian Socialist Schools to prove that it is a purely Slavonic institution, which, if allowed to develop itself freely, would take the form of federative organization, until the whole Russian land would be composed but of one commune of brethren dwelling together in love and amity.

But in the zeal of their research into the ancient popular liberties of their own country, those writers have devoted but little study to the political development of all other nations. They have paid but little, if any, attention to the fact that the mark and the tything of the Gothic races, and even the villages of India, were exactly similar in organization to the Slavonian communes, while the Saxon institution of "frank pledge" is the very prototype of the Russian "Krugováya porúkà," or system of collective responsibility.

Savages to this day live in tribal communities, for the same reasons which caused the Slavonian commune to outlive the Germanic mark. The early Russians were forced by the physical conditions of the country they occupied to form combinations against the wild beasts with which their dense forests were tenanted; later against tribal enemies; next, as they began to build and to colonize, against the very rigour of the climate which in winter would bury their pigmy huts in snow and interrupt all their communications. All these obstacles could only be removed by combined efforts of human energy. The woods were gradually cut down, the wild animals overcome, the tribal enemies subdued; but the frost and the snow continued to force the people of the Russian plains to dwell together in sufficiently large communities. Then the tribal enemies were succeeded by invaders who kept the country in subjection for two centuries, and who ultimately gave the native princes a power which drove the "black people," as the masses were called, into still closer union, and which, by giving them strength, resulted in the triumph of the popular principle of government at Novgorod the Great, Pskov, and indeed in most of the fifteenth and sixteenth century towns of Russia.

It is to this glorious period of Russian history, when the people dictated to their rulers at mob-meetings,—which again were identical with the Saxon Witenagemotes,—that the patriotic writers of Russia point with much enthusiasm. As a proof of the indigenous character of the communal principle, they dwell on the fact of its continued existence, forgetting or passing over those pages of history which would account for its exceptional vitality in their own country. They have failed to consider the influence of serfage in perpetuating an organization which in civilized countries has disappeared under the unimpeded development of individual interests.

* The woods are occasionally protected by means of a religious ceremony. Priests carrying the Holy Evangelists and Church banners walk in procession round the lord's plantations and declare them "interdicted."

After 1592, the Russian peasant had very little to say in the selection of a system of general or local government and organization. His independent progress, intellectual and material, was arrested. He became the chattel of a lord who disposed of his labour, his accumulations and his affections.* The lord to whom he belonged procured the enactment of laws which inflicted the severest punishment on run-away serfs. The rural population was thus tied to the soil within those very communes which once constituted the strength of the people, but which, subjected to the lord and the State, served the purpose of the former in imposing his will, and that of the latter in collecting taxes and raising men for war and conquest.

The exactions of the lord and the State led simultaneously to the establishment of a communistic principle of life within a rural communal polity. An arbitrary form of government established the arbitrary power of the lord, who exercised his despotism principally over the chiefs of families, to whom, in their turn, the members of those families were unconditionally subject. This perpetuated the patriarchal power, and had the levelling effect of which the communism of certain modern philosophers is the prime object. It has already been explained how, while the heads of peasant families were rich, all its other members, and consequently the mass of the population, were poor; not in regard to the satisfaction of their immediate material exigencies of food and rude clothing, but in respect to the satisfaction of the more refined wants of civilized life. The patriarchal system was not without its merits. It conferred, from one point of view, the advantages of our own law of primogeniture; it kept capital together, but not so much the capital of civilized nations as that of people relatively barbarous—namely, capital in labour and farm-stock. These were riches which gave the serf-family, to some extent, the power of resistance, or, at all events, the means of complying with the demands made by lord and State. As, by combined effort, they could remove the snow with which their huts and their communications were incumbered, so, by united labour, they were enabled to cultivate their fields and those of their masters during the short interval which a northern climate has allotted for such work. The young, the aged, and the maimed were cared for, as well as the indolent and the vicious. Marriages were promoted, for the commune provided for all its members and feared no increase of numbers. But over and above these advantages, the communistic principle of home life and the communal aggregations of communistic families, gave to the Russian peasantry a strength of union which they occasionally exercised by flogging or murdering a brutal master, or by attaching themselves in masses to the camps of rebel peasants, such as Stenka-Razin and Pugatcheff. Just as there was no individual property within the patriarchal organization, so there was no individual opinion. The State persecuted intellectual development, and its creature, the Church, enjoined implicit obedience to the rulers, who represented the supreme concentration of the patriarchal power by which the peasant families were held in moral and material bondage.

The whole system,—in fact, the communistic life, the communal polity, the general government of the country,—was based on slavery.

Such was the communal system which certain talented leaders began to extol at the commencement of the present reign. They found it in every village of Great Russia, and they desired to establish the whole of society and the Government of the country after the same model. They even adopted the dress of the peasant, to whose inherent virtue they owed the preservation of a principle which had survived their political freedom, their Vechés, and States-General. This movement, so important in its effect on the subsequent legislation of the country, coincided with an agitation in Western Europe to prevent the entire enslavement of labour by capital. The Russian Democrats and Socialists held up to those agitators, with pride, the existence of an organization in their own country in which capital was not the master of labour. It was only necessary, they insisted, to free labour from bondage, in order to solve the problem of an equipoise between the sweat of the brow and the accidental possession of gold and credit.

They exulted in the idea that the principle of Co-operative Association, of which so many writers and statesmen in Europe had urged the application, had long existed in Russia under the name of "Artel," as the ultimate form of Socialism. When a contractor hired any large number of labourers, the latter formed an Artel, which was only a kind of out-of-door commune. It had a chief who led the rest like a flock of sheep, which laboured together, slept together, and ate out of the same dish. The wages of labour were equally distributed, because no man's work was better than his neighbour's. It was equally rough, careless, and ill-paid, and it was only by herding together

* The lord was interested in the increase of the population on his estate, and often, therefore, forced matrimony upon his serfs.

in the vilest habitations, by purchasing their food wholesale and establishing messes, that the members of those Artels, so strikingly suggestive of slave-gangs and coolie contracts, were enabled to scrape together a few roubles, with which they reached home in time, perhaps, to enable the patriarch to pay the family quit-rent and taxes.

There was, however, they showed, a higher form still of the Artel. It existed at the sea-ports, where the labourers and other servants of merchants formed associations, of which the profits were annually distributed among its members. This appeared to them the most favourable application of the Russian communistic principle, forgetting that the system had been created by the employers rather than by the employed. The Artel offered to those merchants a security which they could obtain from no individual servant, drawn from a population bearing the burden of slavery and demoralized by all its vices. Naturally, therefore, the employers of labour promoted, in their own interest, the formation of societies which admitted no members who were not able to deposit a pecuniary guarantee of their honesty and general good conduct, qualities for which the Artels in a manner acquired a monopoly, to the disadvantage of poorer labourers.

The question of the Artels does not, however belong to the subject of this Report, and it was only necessary to allude to it here, as affording one of the arguments which the Panslavist and Socialist agitators employed in educating the Russian public and the Government itself into a belief that the communistic principle, as seen in the family life of the peasant, in his communal organization, and, lastly, in his Artel associations, was inherent in the Russian nature, and that being, moreover, in remarkable accordance with the doctrines of Western philosophers, it should be applied to its fullest extent in the impending liberation of the serf.

The results of the Emancipation Act in the family life of the peasant have already been considered. They prove the entire rejection of the communistic principle by the peasantry themselves, and it is only necessary to inquire here into the communal system * under which the Emancipation Act confers the right of self-government on the rural masses.

The commune,† before 1861, was merely a village with a certain quantity of land allotted to it by the lord, for the common benefit of its inhabitants.

Those inhabitants were divided into families, and these again into tiaglos, or labour and rent units, each of which was entitled to an exact share of the communal land, which was accordingly repartitioned, sometimes from year to year, but mostly at intervals of four, six, and nine years. A general repartition of communal lands took place, moreover, at every decennial enumeration of the people, who, after being registered at the census, were expected to contribute the same taxes in relation to numbers during a period of ten years. The decease of two or three members of a commune, the loss of one or two by draughting into the army, the transition of boys into men capable of doing work as a half-tiaglo,—all these were reasons for repartitions which, on account of their frequency, gave no member of the commune a personal interest in any particular plot of ground.

For the purpose of repartition, the communal land was divided into three zones, representing the three-field system of agriculture. The zones either encircled the village or formed the segments of a circle, for it was important to have as much land as possible adjacent to the village, in order to save time to the agriculturist in reaching his work, and in order to receive the manure which the villagers might have to apply to the land. The land of the first zone was therefore the most valuable; that of the next, second in advantages, and manured, if not composed of black soil, every six or nine years; and that of the third, perhaps equally good in quality, but never manured, owing to its distance from the village.‡

* "L'organisation patriarcale de nos communes rurales, cette base fondamentale de notre ordre sociale."—"Etudes sur les Forces Productives de la Russie," par Tengoborski.

† The communal tenure of land does not exist in the southern provinces of Russia, and, therefore, the observations that follow (as regards the repartition of land) are only applicable to the provinces of Great Russia Although desirous of doing so, the Russian Government was unable to introduce it into the Provinces of Poltawa, Chernigof and Kharkof, where the peasantry had been long accustomed to make arrangements with their lords for the occupation of as much land as they were able, with the assistance of their families, to cultivate. In the north-western provinces, however, General Mouravieff replaced the system of separate holdings by the old and obselete one of vesting in a commune the lands formerly farmed, but, after 1862, owned by the peasantry.

The commune, as an administrative and financial unit, was, however, introduced in 1861 into all the provinces of Russia, together with the system of collective responsibility for Imperial and local taxes, and that of communal and cantonal self-government.

‡ The peasantry, while acknowledging generally the great defects of their communal system, point to the fact that it has hitherto enabled them to cultivate the bad lands as well as the good, for each peasant gets a slice of three different qualities of soil. A Russian writer states, that this is one of the impediments to the peasantry leaving the "bewitched circle" of the commune, which keeps bad land populated, just as in the days of serfdom.

In each of these zones, each male peasant would be entitled to a plot, which he would hold for one, two or more years, according to the system of repartition adopted in the village.

Practically, the repartition would be made on one of two systems.

Taken, a commune of 1,050 peasants, holding 3,150 dessiatinas of land (or 3 dessiatinas per male) at a poll-rent of 9 roubles per head, which would give a rent of 3 roubles per dessiatina.

The male population would be divided into tiaglos, or labour and rent units, at the rate perhaps of three males to the tiaglo, which would give 350 tiaglos to the village and an allotment of nine dessiatinas to each.

The lord or his agent, sometimes the patriarchs of the commune, would next determine the labour power of each family. Some families might have a larger proportion than others of boys, registered as "souls" at the the last census, or of members otherwise incapacitated from taking an equal share of the common burdens.

Ultimately, the division of families into tiaglos, and the distribution of the common debt, would take the following form :—

Family.	Male Members.	Equivalent to Tiaglos.	Allotment of Land.	Annual Quit-rent.
			Dessiatinas.	Roubles.
1	3	1	9	27
2	6	3	27	81
3	8	2	18	54
4	4	4	36	108
5	2	1	9	27

And so on.

In this manner the burden—for the possession of land under serfage was considered a burden—was somewhat equally distributed, the circumstances of each family being taken into consideration, although, of course, it left the door open to tyranny and abuse, the burden-carrying power of families being frequently over-estimated.

The other form of land and rent distribution in the Russian communes was as follows, taking the same village and population :—

Family.	Male Members.	Land Allotment per Male.	Allotment to Family.	Annual Quit-rent.
		Dessiatinas.	Dessiatinas.	Roubles.
1	3	3	9	27
2	6		18	54
3	8		24	82
4	4		12	36
5	2		6	18

And so on.

A comparison of the two systems,—the one, exceptional, representing to some extent an equitable distribution of burdens in relation to physical capacity; the other, which is becoming more and more common, a compulsory equal allotment of land, irrespective of labouring power,—shews how little favourable the communal system must, in any case, be to the majority of the rural population.

The money burden would fall as follows under the respective systems :—

	Exceptional system.	Usual system.
	Roubles.	Roubles.
1st family 3 males	27	27
2nd „ 6 „	81	54
3rd „ 8 „	54	82
4th „ 4 „	108	36
5th „ 2 „	27	18
	217	217

This is a fair exemplification of the working of the communal system in Russia, which certainly bears this resemblance to theoretical communism, that it gives to all males an equal share in a common benefit. But in the case of the Russian commune the enjoyment of the benefit is attended with heavy financial burdens, which are not always distributed according to the producing power of each family.

Thus, family No. 3, although consisting of eight male members, would, under the tiaglo system of land repartition, be considered capable of tilling only 18 dessiatinas; whereas, under the system of equal distribution, per "soul," it would be compelled to hold 24 dessiatinas and to pay 82 roubles per annum in rent for land which it might not in reality be able to cultivate.

There is, moreover, this great feature to distinguish the Russian institution from the Western ideal, that the profits of labour are not divided equally amongst the members of the commune. The co-operative principle never existed in the commune, but in the peasant family, the head of which received the common earnings and gave to each contributor as much or as little as he chose.

It was this communal organization, based on communistic serf-life, that the Russian Government was induced to attempt to perpetuate in the Emancipation Act.

The desirability of its legal perpetuation seemed to have the support of many weighty considerations, apart from those merely of a philosophical character.

The commune had been a union against wild beasts and tribal enemies. The village was still a combination of human forces against the power of one of the elements. It was now considered capable of affording to the enfranchised serf the means of resisting the lord who might be inclined to encroach upon the unprotected rights of his former vassal.

In this respect the communal system presented itself in the form of a guarantee of the civil rights bestowed by the Emancipation Act, and made it apparently acceptable in the interest of the peasant himself.

It also appeared in the light of a worthy successor to the judicial powers of the lord, and the patriarchal influence of family chiefs—an influence of which the downfall was foreseen.

As an administrative and judicial institution, therefore, the communal system appeared to present immense advantages in a country so extensive, and yet so thinly populated, as to render its Government, even from provincial centres, a matter of practical difficulty and great expense.

There was, however, a paramount advantage to be derived from the communal system, which entirely removed the few economical objections that were raised against it.

It was above all considered necessary to prevent the peasantry from migrating, in the interest of the lord, but chiefly in that of the State, which required money and soldiers from a stable population. The peasantry were to be attached to the soil by their indebtedness,—not by their natural interests. The State having lent its money, had to see that the interest and capital of its loans were repaid.

For all these considerations, the Russian communes were prevented in 1861 from merging into mere parishes, and their members were bound together in a "reciprocal bond"—the bond of "frank pledge"—in respect to the payment of all taxes and dues.

The accompanying abstract of the Law of Communal and Cantonal Organization shows the great powers with which these rural commonwealths are invested, with respect to their own internal affairs and the liberties of individual members.

The general laws of the country do not interfere between the commune and its members in the repartition of lands (where the communal system of tenure exists), in the assessment of taxes, in the settlement of civil claims, and in the punishment of delinquencies not amounting to a crime. The cantonal judges, unlettered peasants, may pass a sentence of imprisonment for seven days, impose a fine of 8*s*., or inflict a punishment of twenty strokes with a rod;* while the commune may cause to be banished or otherwise disposed of by the Government any member who may, by a majority of two-thirds at a meeting of one-half of the peasants of a village be pronounced "vicious or pernicious." At the same time, this exercise of these large powers is not confined to the limits of the commune or the canton. By means of the passport system, of which the principal object is likewise the security of the revenue derived from poll taxation, the communes and cantons may bring within their jurisdiction peasants who, although only nominally attached to their communes, may be following occupations in distant provinces or towns. The commune or canton has only to refuse the renewal of a passport, in order to place its bearer in a position which compels him to return and to submit himself to the will of his fellows.

These may have obtained an exaggerated account of the prosperity of their absent

* The only tribunal which can sentence to flogging. The law does not state that women are exempted from corporal punishment; but many cases having occurred in which women (frequently on the complaints of their husbands) had been sentenced to be flogged, the practice was prohibited by a Circular addressed to the "Cantonal Tribunals."

brother. An aged relation,—perhaps a brother, a sister, or a wife,—may have insisted on receiving greater assistance from him than he had previously afforded; he is consequently brought back, at great expense to himself, and generally to the prejudice of his trade or occupation. He returns, perhaps, in clothes different from those in which he left the patriarch's miserable hut; he looks well fed; his hands may have become white and soft in service as a valet or a cook; he may have learnt to read and write. These appearances, while explaining to the rude peasantry the punctuality with which their more civilized brother had hitherto remitted his taxes and his contributions towards the support of his relatives, are, at the same time, taken as evidences of a further ability on his part to supply them with money. To some, he may be an object of envy; to many, an object of hatred and malice. All have to be propitiated by money or strong drinks, for they may give him an additional burden of land and taxes, elect him as mayor of the commune, declare him to be "pernicious,"* flog him on some plausible pretence, and otherwise apply laws which they may consider to be customary, but which often take the form of mere lynching.†

The urgent necessities of the peasantry have, frequently, indeed, no law. The taxes must be paid or the stock of the entire village will be seized. If there still be a rich man within it, or one that can be brought within its power under the circumstances above described, those peasants would possess more than ordinary virtue did they hesitate to possess themselves of the power with which the Emancipation Act has invested them.

That power is in the hands of masses who are themselves despotically controlled in one of the important conditions of human freedom. It is therefore natural, and even their immediate interest, to exercise a similar form of control over their own members in everything that concerns the bearing of the common burden of land and taxes.‡

But there is one very great check to its exercise. When a poor commune happens to possess a member who has amassed riches, he is generally the common banker and money-lender. The entire village is indebted to him, provided he has been wise enough or able to subsidize it. He then becomes the master or lord of the commune; no votes can be given without his approval, and no resolution passed at a communal meeting that is likely to endanger his interests, which consist in preventing the members of the commune from breaking the chains which bind them to the soil. Like the patriarchs in the serf family, he is responsible for the communal taxes and rent. If the cattle of the defaulters has been seized, if they have no ready money, he will be called upon to pay to the uttermost farthing; for he is bound in a reciprocal bond with those defaulters towards the State.

In circumstances like these, the position of the industrious man who has scraped some money together, or of the man who has inherited a condition of prosperity, is comparatively favourable. Where the peasantry of a commune are independent of their own money-lenders, or where they can obtain advances of money from traders who come to buy their corn or their hay before either is grown, the thriving man of the village is generally in a position of great discomfort. He is sure not to be a mayor, or an elder, for those are offices which are calculated to keep their holders fully occupied in levying distresses, arresting delinquents, attending cantonal meetings, and

* For a year or two after the emancipation, the peasantry were in the habit of delivering over to the recruitng officers such of their members as they might find "unfit for a family life." The Government have now put an end to such arbitrary selection.

† The "Gazette of New Russia" contains the following observations:—"Our press frequently discusses the proceedings of the communal meetings and cantonal tribunals, but the facts alleged are seldom supported by proofs. As we are in a position to obtain correct information, we intend to lay it before the public from time to time, and, meanwhile, we give publicity to the two following cases, which are more than ordinarily curious.

"1. In 1864, N. D., a burgher of Elizavetgrad, stated, in the presence of some peasants, that Euphrosine M. was guilty of conjugal infidelity, and, although he was unable to prove the accusation, her husband became satisfied of her guilt. Having taken counsel with some of the villagers he 'cried' a meeting, which the Elder of the village was invited to attend. The accused woman was brought before it, and sentenced, without being heard, to be walked quite naked through the village, in the presence of all its inhabitants, and afterwards to receive fifteen blows with a stick on her bare body, before the same witnesses. The sentence was carried out to the letter, on a frosty day in October.

"2. About a year ago, Mr. N., a landed proprietor in the district of E., complained to the cantonal tribunal of V. that some peasants had cut hay on his meadows. The tribunal inquired into the matter, and passed the following sentence, which we give verbatim:—'Although it is true that the said peasants cut the hay on a river-bank belonging to Mr. N., yet, considering the general transgressions, they are hereby liberated from any pursuit whatever.'"

‡ The journals are full of cases in which the industrious members of communes are ruined for the benefit of their brethren. One day it is a rich peasant whose brick-works are seized and sold for a tenth of their value, in order to make good the communal arrears; the next, it is a peasant woman in despair at seeing her cottage sacked, the distraining officer leaving her but one garment—her gown.

carrying out the manifold instructions of the State and territorial ("Zemskié") authorities.

Election to either office is looked upon as a punishment, and threatens with ruin those who have the goods of this world to look after.

It is no common occurrence, therefore, to see the most "vicious" man at the head of the village community. He is generally a greater drunkard than the rest, a quality which admits of his being propitiated; and he is too often far from being an enemy of the soldier on furlough,* who keeps the village dram-shop, and advances glasses of "vodka" on the security of any articles of clothing or farm implement of which the peasant may not require the immediate use.†

There are, of course, a few bright spots in the dismal picture of communal self-government; but it cannot be denied that, as a rule, the despotism of such an utterly uncivilized democracy exercises a most baneful influence on the moral and material development of the people, and that that development is at present subservient to the paramount interests of the Exchequer and War Department.

The people themselves are now fully alive to the evils of this communal system, particularly in regard to the tenure of land.

Profitable farming is becoming more and more a question of manure. The peasant allotments, impoverished by the rack-renting process to which they are everywhere subjected, owing to no man caring what may become of the land after he has cut his crop, must gradually fall into the hands of those who can afford to keep stock. The man who keeps four cows objects to manure land which his neighbour, possessing only one cow, may get next year.‡ This feeling is so strong that the lands conveyed to the peasantry under the Emancipation Act have not to any great extent been since repartitioned amongst them. A small proportion, namely, 18,448 peasants,§ have succeeded in getting their allotments conveyed to them for ever by their communes; but the tyranny of the poorer members of the communes, who naturally desire to retain the prosperous and more industrious as parties to the common bond for taxes and rents, prevents the dissolution of the communal system of land tenure at a more rapid rate.‖ Besides, there is a very important financial question connected with the communal tenure of land, to which the peasantry are gradually becoming alive. They have began to ask,—What will be the position, 45 years hence, of the family which is not "redeeming," by annual instalments, two maximum allotments of four dessiatinas each? The population of the commune will have more than doubled itself by the end of that period; consequently, the communal holdings will have to be reduced by one-half or three-quarters, and the family, which has been all along purchasing the freehold of eight dessiatinas, will find, at the end of the redemption period, that it has in reality only purchased half that quantity of land. The family may, moreover, not live to see the end of the redemption period, and it may leave no descendants: all its payments, therefore, towards the acquisition of a freehold, will have been wasted for the benefit of other members of the commune. This must clearly be a strong inducement to the peasantry to obtain the personal conveyance of their communal holdings before the latter crumble away under the mere influence of time.

It is, however, satisfactory to find that the Government have just issued a law which relieves the peasants who have obtained the personal tenure of their allotments from the communal responsibility for taxes, and which, at the same time, entirely removes the bond of "frank pledge" from communes with a population of less than forty males.

In view of the increasing dislike of the communal system by those for whom it

* Owing to the system of annual recruitments, which disengages a corresponding number of men from the ranks of the army, more than 500,000 soldiers are at present on furlough. A considerable number have found occupation in towns; but the bulk of them are to be found in the villages, where they are not noted for industry and morality.

† The law forbids the sale of spirits in dram-shops on credit or against pledges; but, as the local magistrates, who have large powers respecting the verification of weights and measures, and the adulteration of food, are actually disqualified from pursuing any case of unlawful sale of "vodka," the village cabaret is generally a perfect sink of iniquity, harbouring other vices besides drunkenness.

‡ Even before the emancipation, in Orel and other provinces, the peasantry, who were obliged to use manure in the cultivation of their fields, insisted on their share of the communal lands being definitively assigned to them; and when the "Settlement Deeds" were being drawn up (from 1862) they very generally petitioned that the land should be parcelled out to them for individual usufruct.

§ Principally in the Provinces of Tula, Kharkof, Kursk, and Moscow.

‖ "In India the communal practice of land-repartition ceased, as improvement in agriculture became common. When a re-division was made, care was taken as much as possible to leave wells and groves, which constituted improvements, in the possession of their original owners."—"The Irish Land," by G. Campbell. London, 1869.

was created under serfage, and elevated into a principle at the emancipation, other measures will probably be taken to facilitate the breaking up of communities of which the members are bound by no common interest.

If the communistic family life of the Russian peasant, connected as it has been with his strong natural affections, has yielded to the influence of emancipation from serfdom, it cannot be expected that an artificial organization so detrimental to the interests of agriculture and so prejudicial to those of liberty, can long continue to exist.

In India it went to pieces and fell into desuetude as soon as the external pressure which kept it together was removed.* "The commune is our ruin"† is now the reply of the intelligent Russian peasant when questioned about his circumstances.‡

As regards the general effect of emancipation on the condition of the Russian peasantry, it is now almost generally admitted that the condition is far from being satisfactory. The landowners assert that, while "working and producing less than formerly, the peasant has increased his unproductive consumption,"§ which means that he has become more idle and more addicted to drink. Mr. Bezobrazoff, an eminent political economist, has recently pointed out in a magazine published at Moscow, that, while the Liberal officials of the Government alone maintain that "all is well," both the Conservatives and ultra-Liberals of his country consider that the peasant is very badly off, and that the only disagreement on this subject between political parties refers to the means by which the unsatisfactory condition of the peasantry should be improved. The aristocratic party recommend the re-establishment of some kind of tutelage over the agricultural classes, the abolition of the communal system, and the emancipation of the peasant from the land; while the Democrats urge as a panacea the extension of liberty to all classes, and a development of the communal system without the institution of "frank pledge." The Socialists, again, under whose influence the Emancipation Act was, to a great extent, prepared, have just called on the peasantry to murder the Government officials and the landlords who "continue to withhold the land to which the rural classes are entitled." On the one hand, therefore, the cry is less license; on the other, more liberty and more land.

It is this intimate connection between "land and liberty" in the Russian agrarian question that renders impossible the deduction of any absolute conclusions as to the effect of the Emancipation Act, viewed merely as a new land tenure law. In many of its leading features the Act may be considered as a law for the security of the interests of the Crown, and its promulgation was, unfortunately, coincident with the adoption of another fiscal measure—the abolition of the system of farming the excise on spirits—which led to the reduction of the price of the "vodka"‖ that plays so important a part in Russian village life.

Even in respect to the land, the Emancipation Act only regulated the terms on which it was to be in future held by the peasantry. It diminished, rather than increased, the quantity of land in the possession of the peasant, who had always been more of a tenant-farmer than an agricultural labourer. Unlike the Irish cottier, the Russian serf was groaning under the fixity of his tenure. His forefathers had possessed it for centuries. It was one of the conditions of slavery, and the Emancipation Act has reproduced it in another form.

These several questions, and particularly the question of "land and liberty," are so intermingled that it is difficult to trace the general results back to any separate cause; but, dispassionately viewed and studied, those results, as far as they concern the present circumstances of the peasant, are described under Question 19 in Part II of this Report.

II.—*Effect of the Emancipation Act on the Landed Proprietors.*

For the purpose of inquiring into the effect of the Emancipation Act on the interests of the landed proprietors, it is necessary, first of all, to divide them into two

* "The Irish Land," by G. Campbell.

† "Obstchina nas qubit."

‡ In a history of the Revolt of the Military Colonists in 1831, the following passage occurs:—"Some of the rich colonists had become reduced in their circumstances, and those who had been in middling circumstances became poor. The peasantry had long been in the habit of assisting their indolent, though poor, brethren in improving their circumstances. On the division of fields, the poor and lazy got the best lots, and the industrious and rich the worst, which the latter were then obliged to manure, without any aid from the Crown. Each bore an equal share of the burdens of service. . . . The military colonists, it is to be presumed, only waited for a favourable opportunity, in order to subvert the reform that had been introduced. That opportunity was found."

§ "The Land and Liberty," by P. L. St. Petersburgh, 1868.

‖ Corn brandy. It is now popularly called "deshofka," or "cheap stuff"—a name that points significantly to the cause of drunkenness in Russia.

groups—the landed proprietors of the Northern and Central, and those of the Black Soil and Southern Provinces. In the former, it was the interest of the lord to receive a poll-rent, in the latter to cultivate the rich land with the aid of serf labour.

The Emancipation Act, however, made no such distinction between the interests with which it had to deal. It imposed an almost uniform rate of rent and redemption, based, not on the value of the land, but on the money and service liabilities of the serf towards the lord, and attached the peasant as firmly to the barren as to the fertile soil. There was a great practical difficulty in acting otherwise. A measure of less uniformity would have turned the balance of advantages too much in favour of the fertile districts, to the ruin of those in which industry and manufactures had come to the aid of agriculture. In this dilemma, the Legislature decided on the maintenance of the *status quo* in respect to the distribution of the rural population.

For the first few years, the proprietors in either of the two groups complained loudly of the injury which their interests had sustained. They agreed in considering the expropriation of their lands in favour of the peasantry as a violation of the rights of property, but there were few who did not consider that violation unavoidable. Political economists defended it on the ground of political expediency. Indeed, it has been shown that the scheme of "redemption" emanated from the landowners themselves. They were all interested in retaining the population on their lands, and this could not have been better effected than by empowering the lord to force the peasant to become the purchaser of a freehold.

The Democrats and Socialists insisted on the peasant getting land as well as liberty, and the Government was nothing loth to secure its own financial interests for the time by conveying to the tillers of the soil a quantity of land "sufficient to enable them to fulfil their obligations towards the lord and the State."

To some extent, therefore, the expropriation of land to the peasantry was a snare, rather than a benefit. It was made in the proprietors' interests, and in that of the Imperial finances, which were then in a state of great attenuation.

The financial position of the Russian landed proprietors was equally unfavourable at the date of the emancipation. In 1859 the Government had ceased to advance loans on the security of lands and serfs, and there were no banks from which the landowners could obtain similar credit. Many had pledged their properties to their full extent; for no fewer than 7,107,184 serfs out of 10,000,000 were in pawn, and, as each "soul" was supposed to represent 5 dessiatinas ($14\frac{1}{4}$ acres) of land, the extent of the mortgaged lands was nearly 102,000,000 acres, or exactly one-third of all the private lands in Russia, and a little more than the total quantity of land of which the peasantry were then actually in occupation.

Some of the largest serf-owners were thus at the end of their resources when the Government ceased to supply them with any more ready money.

It became necessary to curtail their reckless expenditure in foreign countries and to reduce their vast establishments at home. After the heavy charges of the Crimean War, it seemed almost impossible to raise the quit-rents of the serfs; and yet, in view of the approaching enfranchisement, it was incumbent on the lord to put his house in better order, to prepare to meet the coming crisis in his fortunes. Many profited by the few years that still remained by removing their serfs from lands near the manor to those more distant, and not a few in raising poll-rents which they knew would sooner or later be taken as the measure of compensation for loss of serf labour. By many, however, and particularly by the greatest serf-owner in Russia, the temptation of raising poll-rents was withstood, even under circumstances of the greatest pecuniary embarrassment.

It thus happened that the landowners of Russia,—in great part absentees from their domains, and even from their country,—were far from being in a position to meet the exigencies of a vast social revolution. Their coffers were empty; their banks had stopped; their estates were not saleable, or even divisible on death, in the absence of ready money; and the State was about to deprive them of their serfs, to expropriate their land, and, at the same time, to foreclose the heavy mortgages* with which it was burdened. The sacrifices which they were called upon to bear in the present, seemed to them light when compared with the struggle that evidently awaited them in the future.

The work of emancipation commenced, and, for two years after the promulgation of the Ukaze of 1861, the position of the landed proprietors remained precarious. Labour was scarcely to be obtained. The peasantry, excited and distrustful of their former masters, continued to wait for further liberty and more land. Agitators distributed

* In settling with the landed proprietors for the cession of lands to the peasantry, the State has already foreclosed mortgages to the extent of 30,500,000*l.*—*Vide* Balance-sheet of "Redemption Operation."

proclamations and "golden charters," bestowing the proprietors' lands on the peasantry. Partial risings took place,* from the misinterpretation of some of the provisions of the Emancipation Act. In some villages, and sometimes in entire districts, the peasantry refused to submit to the military authorities, and were punished,—sometimes shot down. About 200 peasants lost their lives in sporadic attempts at agrarian revolt, which proceeded generally from ignorance, and from the machinations of Socialist emissaries and religious fanatics.

The nobles—for all landed proprietors in Russia enjoy the privilege of nobility—felt the weakness of their position. Materially, they were for the time ruined,† and, politically, they had lost all their power. They had governed the people, and even that occupation had been taken from them. Alarmed at the progress of Democratic and Socialistic tendencies, they began soon after the emancipation to put forward their claims to political power in the State. The peasantry had received the right of self-government; the classes above had surely an equal claim to such a right? But the nobility asked for more than local self-government,—they demanded a central representation of the country. Like their enemies, the Democrats, they pointed to the ancient Vechés and to the States-General, which had elected the first sovereign of the reigning house. They showed that the Czars of Muscovy had taken away all those ancient political rights which the landed aristocracy had bartered away, in fact, for the material advantages which they derived from serfage; and serfdom, having been abolished, they asked for a restoration of their ancient privileges, and for a voice in the government of the country. Supported, as it was, by the intellectual classes, the struggle was apparently about to terminate in favour of representative institutions, when the intervention of the Western Powers in favour of the Polish insurgents turned the tide of affairs, and saved the existing form of government. The patriotism of all classes was awakened; the isolated position of the Government was acknowledged; and, in view of the danger of losing the western or old Polish provinces, as well as the Kingdom of Poland, the Russian public rallied round their Government, and imparted to it a strength which has not since left it.

As soon, however, as the Polish insurrection was quelled, the Government had once more the mastery of the position.

It began to pursue unimpeded a course of reform in every branch of the administration. In 1864, an Ukaze was issued, instituting territorial assemblies for the self-government of the various provinces of the Russian Empire. The accompanying abstract of that Ukaze will show that the new institutions were modelled on a Democratic basis, in order to meet, in a sense favourable to the Bureaucratic and Democratic parties, the proposal of the nobility or country party, for remodelling the old provincial assemblies of the nobles on an enlarged basis.‡

The land question became once more the topic of the day. Considerable alarm prevailed at the tendency of the Government to disregard the rights of property. The arbitrary measures adopted in the old Polish provinces might, it was feared, be extended to other portions of the Empire. The appointment to the Council of the Empire of Mr. Miliutin, the author of the Land Settlement Measure in Poland, and the ardent advocate of Democratic principles, gave some consistency to the fear that the Government

* Principally on the Volga and in the province of Kazan. At Bezdna, in the latter province, the rising under Anthony Petrof, who called himself a prophet and an ambassador from the Czar, assumed formidable dimensions. It was joined by 4,000 peasants, who stood four discharges of musketry before they dispersed. They lost 51 killed and 40 heavily wounded, while their leader was captured and shot by sentence of court-martial. Anthony Petrof had told them that they were free men, and that the land belonged to them; and they believed so firmly in their leader's mission, that, when the military fired, they continued to shout, "We shall not give him up; we alone are for the Czar; you are firing into Alexander Nicolaevitch himself." A still more serious outbreak took place in the province of Penza, in the centre of a population of 163,000 "souls." The rioters insisted that the true Ukaze of emancipation was being kept from them by a priest, and, with shouts of "Liberty," they paraded a red flag through the villages. A company of soldiers sent to disperse them was attacked with staves and compelled to retreat. Their leader, a Molokan sectarian, announced that he was the Grand Duke Constantine, brother of the Emperor Nicholas. Risings took place also in the provinces of Tambof, Chernigof, Podolia, Smolensk, and Witebsk. The total number of rioters shot down is officially reported to have been 60, and the number of dangerously wounded 80. Many others were crushed to death, and a considerable number were sent to Siberia.

† The heaviest losses sustained by some of the larger landed proprietors are exemplified in the following extreme cases:—An estate that once yielded an income of 900*l.* to 1,000*l.* only returned 130*l.* for the first two or three years after the emancipation; another situated in the southern provinces, that formerly gave a nett revenue of about 2,000*l.*, entailed a loss in 1864 of 300*l.*; a proprietor in the province of Chernigof received in 1865 600*l.* in rent from his former serfs, but in return paid 1,275*l.* for their labour, with which, however, he cultivated one-third less soil than before 1861. On an average, the losses of the proprietors between 1861 and 1865 were at that time estimated at from one-half to two-thirds of their previous incomes.

‡ It was proposed to send deputies from those assemblies (which still exist) to a Central Imperial Legislative Assembly. The attributes of the Russian territorial institutions are very similar to those of the French *Conseils Généraux*.

would shortly compel the proprietors to sell the patches of land which the peasantry might desire to purchase. They feared the introduction into Russia Proper of the system of "compulsory redemption," which had been imposed with such ruinous effect on the landed proprietors of the North-Western and South-Western Provinces. The expectation of such a law created more excitement at Moscow than elsewhere, as land was more valuable in the neighbourhood of the ancient capital and the population denser. At last, the Minister of the Interior was obliged to announce that no such measure had been or would be contemplated by the Government.

Another subject of complaint at that period, more tangible and well founded, was the issuing of a secret Circular by the then Minister of the Interior, instructing the governors of provinces to throw every possible difficulty in the way of a final conveyance of territorial allotments to the peasantry.

The Act of February 19th had enjoined a definitive distribution and allotment of peasant holdings within a term of two years. Those which were inconveniently near to the residence of the lord or intersected his property were to be exchanged for others more distant, but of equal value. It was the object of the landed proprietors to render the property left in their possession as compact as possible; the peasants, on the other hand, were not inclined to exchange their old holdings for others, perhaps less valuable, and often composed of soil which had not yet been broken. The exchanges in such cases gave rise to much disagreement between the proprietors and the peasantry, and the Government, fearing a loss of popularity, and possibly an agrarian outbreak, adopted the plan of impeding a settlement so distasteful to the agricultural population. At the same time, a considerable number of noble proprietors lost the necessary qualification for a vote in the Nobility Assemblies, by being deprived of their land. The Senate declared that the right of vote at such assemblies could not be prejudiced by the Act of Emancipation; but the nobles of Moscow rejected the decision, and denied to several of their colleagues the right of voting, but without debarring them from a seat in their assembly.

Again, by the great judicial reform decreed by His Imperial Majesty, and which came into partial operation in 1865, the right of nominating judges was transferred *from* the nobles to the Crown.

Lastly, the new Territorial Institutions were calculated to take out of the hands of the Nobility Assemblies the administration of all matters relating to rural taxation and local improvements.

They gave to all holders of land, irrespective of class, to the peasant as well as to the noble, an "immediate participation in all affairs relating to the domestic welfare and requirements of each province."

In view of all these infringements of the Charter granted by the Empress Catherine, the nobles began once more to agitate for central representation. At their assembly in Moscow,* early in January, 1865, they voted an address to the Emperor, asking for

* The following are extracts from speeches made at that time:—"We (the nobles) have long pointed out that the only remedy against the abuses of the Executive is the Convocation of the Representatives of the People, who shall deposit their desires and their grievances at the foot of the Throne. We desire that the words of the people addressed to the Sovereign, and the words of the Sovereign to his people, should no longer be falsified and suppressed by the 'opritchniks' that stand round the Throne." The "opritchniks" were privileged functionaries drawn from the lower classes of society, with whose aid Ivan the Terrible ravaged and burned villages, and slew the inoffensive inhabitants of Moscow.

Another member of the Assembly:—"I am persuaded that, when the Territorial Institutions shall have been definitively organized, the necessity of a common centre of operations will be felt, and that the Convocation of a Central Assembly will be their inevitable result; but, if there shall be only one General Assembly, where is the counter-balance to the spirit of Democracy with which it will be imbued? Such an Assembly will be like an inflammable liquid that will ignite at the simple contact of the air.

"The elements capable of counter-balancing the Radical proclivities of those popular Assemblies do exist in Russia, and are indicated in the project submitted by Mr. W. Bezobrazoff. Opponents have compared the rights and prerogatives of our order to those of the Pope or Henry V.; but I do not see why oppressed right should be reviled. Unhappy will be the day when Russia shall only see in the person of her Sovereign a fortunate and mighty potentate, who only reigns because he is supported by a million bayonets! In the person of the Emperor we honour the anointed hereditary representative and the progenitor of future representatives of the majesty and supremacy of the Law.

"I protest against the term 'opritchna,' used by a previous speaker. It is not fair to apply it to all the officials of Government at St. Petersburgh, for, in the highest Council Chamber of the State, there are many dignitaries who share the strong antipathy of the Assembly towards those traitors to their country who resort to communistic and other dissolvent principles, in order to bring the Empire to ruin.

"The Emperor prides himself on being the first nobleman in Russia. He has every reason to adopt that title, for our noble ancestors raised his from their own ranks. But it has been for some time the fashion to assert that the Throne has no need of support, and that the Emperor is adored by the people on whom he has lavishly bestowed both land and civil liberty; that, in fact, the Emperor does not require the co-operation of a few thousand nobles, when he reigns over millions of hearts. I admit the argument, to a certain extent, as based on present circumstances. But what, I ask, will be the position of the Emperor when he shall have no more lands to distri-

the convocation of representatives of the people, on the basis of the new Territorial Institutions, and for the establishment of a "Chamber of Nobles," to be elected by the provincial assemblies of nobility, for the purpose of counter-balancing Democratic influences.

The Senate, however, annulled all the proceedings of the Assembly, on the alleged ground of its decision in the matter of disqualifying members from the right of voting, in cases where they had lost their property qualification by the emancipation of their serfs; and, within a twelvemonth, the dastardly attempt on His Imperial Majesty's life at St. Petersburgh, caused the agitation to be abandoned, as in 1863.

The institution of the Territorial Assemblies may, with some justice, be considered as the turning point in the fortunes of the landed proprietors. This endeavour to obtain a paramount influence in the government of the country had failed, and they had even by their agitation strengthened the hands of a Government which remained under the influence of Democratic ideas. The Territorial Institutions, in which the peasantry—and the merchants, drawn from the same class as the peasantry—could command a majority of votes on questions of the deepest import to landed proprietors, compelled great numbers of the latter to give up absenteeism, and to study and promote their interest on the spot. Circumstances had become more favourable. The "Settlement Deed" had been drawn up. The peasantry knew, at least in Great Russia, what belonged to them, and what was their former masters'. It was evident they would get nothing more. Merchants and peasants were buying land. The money market was recovering, and the landed proprietors had by that time obtained considerable sums from the Government for the cession of peasant freeholds. The difficulties of the peasantry, at the same time, were beginning; their taxes and their arrears to the tax-gatherer were on the increase; they were splitting up into smaller families; crops had failed; manufacturers had introduced more steam machinery and deprived whole villages of hand-loom work; the want of ready money, in fact, promoted the seeking of work.

But, by this time, the fortunes of many landed proprietors, probably of about one-half, were beyond resuscitation. They had entirely succumbed—necessary victims of a State policy which was to benefit the masses, and which, therefore, could not reconcile interests comparatively so microscopic.

Special provision had been made for landed proprietors who, owning fewer than twenty-one male serfs,* possessed no arable land, or not a sufficient quantity to provide the emancipated peasants with a certain maximum allotment.

The lands of these were, as a rule, entirely expropriated in favour of the peasantry, on the same terms as the lands of larger proprietors, and a certain proportion, more needy than the rest, obtained small pecuniary grants from the State.

In some cases, the peasantry accepted the alternative of moving to Crown lands, where they were assisted by Government in establishing themselves.

The proprietors who retained lands, were, as already stated, divided into two distinct groups.

Those of the northern and central provinces, who had levied quit-rents, not in proportion to the income derived by the peasantry from agriculture, but in respect to their earnings from the pursuit of some industry or trade, went to the wall at a very early stage of the great reform. The sin of those who had made their serfs pay 12, 15, and 16 roubles per head was visited upon them, for they lost a great part of the income which they had derived by the uniform rental established by the Emancipation Act.

That uniformity injured the innocent as well as the guilty. The labour of a peasant under a lord who looked after the cultivation of his own lands, was far more valuable than that of a serf working for an absentee landlord.

As already frequently stated, the redemption scheme was not based on the value of land, but on the poll-rents levied from the serfs. The labour of a serf family might thus be worth £10 per annum to a proprietor whose lands were highly cultivated, and only £5 to him who paid no attention to the quality of work. Labour had a greater value when the lord had done his duty; and yet by the Emancipation Act he suffered most, for he got no higher compensation than his absentee neighbour.

Gradually, however, the landed proprietors who devoted themselves to agriculture in the southern and eastern provinces of the Empire recovered, while those of the

bute, no further liberties to confer on the peasants; when the nobles, ruined, shall have emigrated, and left the Emperor toface singly a peasantry clamorous for further boons? Imagine a country of peasants, and an Emperor the only nobleman in it!"

* They were 41½ per cent. of the total number of proprietors.

northern and of some of the central provinces were irretrievably ruined, after making in some cases futile attempts to introduce agricultural machinery, and to improve or enlarge their stock. The misery of the peasantry who were tied by the redemption process and the communal system to unproductive tracts of land, affected the circumstances of the landed proprietors. This peasantry sold much of their stock for rent and taxes, and consequently did not require the lease of pastures and meadows. A want of enlightenment, combined with careless management, favoured the spread of murrain among their cattle. From the village the rinderpest spread to the manor. Penury led to want of seed, and want of seed to short crops, and, in many provinces, to famine. The seasons were unfavourable, and there was no provisions against such an emergency. The communal reserves of corn, placed under the special care of the peasant self-government, were in too many cases found empty. Province after province was called upon to feed the hungry. The charges on land consequently increased in the very provinces in which agriculture was pursued least advantageously. The inevitable emigration of the peasantry from those provinces in large numbers —not in 1870, for they are as yet too firmly attached to the soil, but as soon as the Government shall have become convinced of the necessity of allowing them to employ their labour more productively elsewhere—will finally accomplish the ruin of a great proportion of the proprietors of the northern and central provinces.

Those of the Volga basin and of the South, on the other hand, appear to have the fairest prospect before them. Their condition even now is one of considerable comfort, compared, of course, with the crisis through which they have passed. What they have lost in serf-labour and by the reduction of their tillage to the extent of one-half or even two-thirds, is amply made up by the rents which they receive from the peasants for the additional land which they lease in increasing quantities.

In the fertile Province of Samara, for instance, the peasantry now cultivate about 5,000,000 acres, of which at least one quarter is leased from the landowners, who have only about a quarter of that area under their own tillage. The landed proprietors do not seek to increase the extent of their own fields, and their incomes are becoming more and more of a rent-charge. They have not sufficient capital,* and the extent of their *lands* is altogether out of proportion with their financial resources. Most of them are scarcely equal to the cultivation of one half of the land left in their possession. In several districts the extension of proprietors' farms is impeded by the want of capital and manure, rather than by the scarcity of hands.

The entire system of farming seignorial lands has been changed.

Formerly, a careless cultivation was spread over a great extent of land; now, a smaller extent of land is cultivated with more care and thrift and with better results.

Moreover, there is a growing increase in the revenue from the sale of timber, which is now better kept; the landed proprietor has reduced his personal expenditure, and introduced some amount of order and economy into his affairs; he has no longer the charge of the sick and the poor, and he has dismissed his large retinue of domestic serfs.

The proprietors of the favoured provinces to which these remarks chiefly apply may therefore be considered in a thriving positition, and particularly those who have induced their peasantry to accept the "Beggar's Allotment."

They must, in the course of time, grow more and more prosperous, at the expense partly of the landed proprietors of the north and centre of Russia, whose tenants will, if permitted by law, gravitate towards the districts watered by the Volga.

Their danger perhaps lies in a liability to be called upon at some future period to provide "perpetual tenancies" for the peasants whom they may attract to their lands as tenants at will.

Such has been the fate of the Bessarabian landowners, whose present circumstances, almost as disastrous as those of the landed proprietors in the old Polish provinces,† are considered separately in an Appendix to the present Report.

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* Only two land banks have as yet been established in Russia. By the 1st September, 1868, they had advanced 1,600,000*l.* to landed proprietors on the security of 729 estates.

† Although the Special Rules for the settlement of the north-western and south-western provinces are likewise appended to this Report in an abstract, it is unnecessary, for the purposes of the present inquiry, to examine their effect on the landed interest, which has not been taken into consideration from motives of Imperial policy.

III.—*Effect of the Emancipation Act on the Welfare of the State.*

After pointing out so many defects in the original scheme of emancipation, and the artificial relations of the peasant towards the soil which the Act has imposed, it would be illogical to admit that the well-being of the State has advanced since 1861, as a consequence of the settlement of the Russian Land Question.

It is in spite of that question, rather than owing to it, that the country has so far preserved a condition of slowly advancing welfare. The State has been put to the rudest trials. It emerged from the Crimean War with financial liabilities which it is still unable to meet. Its old institutions were shaken to their very foundations. Serf-emancipation was a matter of urgent political necessity, and no less urgent has since been the institution of a magistracy and of open courts of law with trials by jury. The army has been remodelled, the navy rebuilt in iron, and a network of railways is fast spreading over the Empire, which has thus been almost created anew since 1856; and all these great and glorious works have been undertaken without a Parliament, in the face of great financial embarrassment, of a wide-spread Polish insurrection, of an agitation for representative institutions, and of an internal disorganization and general uneasiness consequent on the first great reform of the present reign. These great changes did not even give rise to Ministerial crises. The Emperor's firm will to regenerate his country removed the effects of Ministerial disagreement, and many minor differences yielded before the imperious necessity of pursuing the path of reform on which His Majesty had entered.

One or two Ministers were, it is true, replaced; but without producing any important change in the policy of the Cabinet, which continued, in English parliamentary language, to be composed of "His Majesty's Opposition" as well as of "His Majesty's Government."

This dual character of the Administration is represented in the Russian literary world by the two parties which have recently been described* with great skill as the Party of "Conservatives" (or "Whites"), and the Party of "Progressists" ("Radicals" or "Reds").

There is another group of literary politicians, viz., the adherents of the "Moscow Gazette," who can, however, scarcely be said to form a party, in the same sense as the Conservatives and Radicals. They exercise a certain amount of indirect influence; but that influence is too often staked on questions on which they entertain the extremest views, such as the question of Russifying the Baltic and old Polish provinces. Their principal writers are political economists, who, while fighting the cause of free trade, are persistent in their advocacy of a system of avowed spoliation of Polish landed proprietors—a system that naturally does not possess the sympathies of the Conservative Party, the organ of which is, consequently, on terms of the bitterest enmity with the "Moscow Gazette." At the same time, the latter entertains the soundest economical theories respecting the rights of property in land elsewhere. The "Moscow Gazette" supports Conservatism as regards Russia Proper, and Radicalism in respect to Poland and the old Polish and Baltic provinces. Were it, indeed, not for the question of Poland, the "Moscow Gazette" would probably be the mainstay of the Country Party, which it once strongly supported in an agitation for representative institutions.

Under present circumstances, its alliance is rather with the Red than with the White section of politicians. It is this inconsistency between economical theories and political practices that prevents the "Moscow Gazette" school of politicians from taking up the position which the other two parties, active and organized, have conquered by their definite views and logical issues.† The field is, therefore, entirely in the possession of the Whites and Reds.

Their literature is almost specially devoted to an inquiry into the present condition of the Empire, and, starting from very different principles, they both unite in taking the same view of the effect of emancipation on the peasantry as well as on the State.

Mr. W. Bezobrazoff, an eminent political economist and academician, who is, perhaps, the only thoroughly consistent follower of the "Moscow Gazette," has recently done his country the great service of reviewing the statements and tendencies of the two parties.

* In the "Moscow Messenger." "Our Conservatives and our Progressists," by W. Bezobrazoff. Moscow, 1869.

† It is a striking fact that the "Moscow Gazette" and the organs of the "Whites" and "Reds" are all essentially alarmist. The one pursues phantoms of Polish intrigue and German treachery; the other predicts Red Republicianism; while the third also foretells revolution, as a consequence of agrarian misery and the want of sufficient land and liberty. Each is devoted specially to the demonstration of those several alarmist theories, and the public mind has acquired a morbid taste for mere evil forebodings.

Briefly sketched, the following are the statements made by the Conservatives*:—

"The moral and economic condition of the Russian people generally, and of the rural classes in particular, has sunk to a lower level. The peasantry are entirely demoralized and impoverished. Production has fallen off, particularly agriculture, causing, in some districts, death by famine. The antagonism of classes is sowing the seeds of enmity and internecine strife. In fact," says Mr. Bezobrazoff, "the Conservatives state that the national life of Russia has been weakened, and that there are evident signs of imminent political revolution.

"At present, they assert, there are, not only individual peasants, but entire villages, bearing on paper the loud title of landed proprietors, but living, in reality, from day to day amidst the most dreadful privations, oppressed by their arrears, debts, and money lenders.† Is not the peasant in the condition of a person who has inherited an estate, burdened with a debt in excess of the value of that estate, and is it not his interest to relinquish his claim to such an inheritance?

"The land is indeed considered a burden which the peasantry forcibly throw on each other's shoulders. The loss incurred by the untimely cutting of hay and corn is estimated, in the northern provinces alone, at tens of millions of roubles. The income from estates in those provinces has fallen below zero; the landed proprietors have become placemen. They flock to the towns, for in the villages the peasantry are insolent; they steal, cheat, rob, and keep the landed proprietor fully employed in bowing, writing, and complaining to the Justice of the Peace, the Arbitrator of the Peace, the District Police Officer, or the Cantonal Starshina (Chief). Hence the anomaly that no one desires to be a proprietor. It is more advantageous to be an excise officer than the owner of a distillery. The equipoise has been disturbed, and, by the laws of nature, the mass is moving towards its centre of gravity.

"'The disorder that reigns in village life,' says the 'Viest,' 'threatens to produce general disorder in the state. There is a strong tendency to a general levelling of society. The idea of political equality is considerably developed, even in the midst of the new Territorial Institutions.'"

And thus Mr. Bezobrazoff shows that the general import of the statements made by the party of the "Viest" is, that Russia presents a picture of "anarchy,—impotency of the authorities (Government); neither a republic nor a monarchy; public incapacity to create anything even in place of those authorities; a deep inward recognition of the radical disease which has effected not only the whole of the popular economy (village life), but also all the functions of the State organism, and the expectation of still greater almost inevitable national calamities at no distant time."

The Conservatives are reinforced by a writer‡ who insists, in very bold and plain terms, that "a constant and gradual gravitation of the State towards revolution" is the cause of the present absence of welfare in Russia. He points to the possibility of a Red Republic as a result of the communal organization.

The Progressists, who are the opponents of the Conservatives, describe the present state of affairs in Russia in the following terms:—

"And now those whitewashed walls, that looked like indestructable fortifications, have fallen to pieces at the first breath of air, and have suddenly exposed to the astonished world our moral and material wretchedness.§

"In whatever direction we gaze, we see the same poverty among the rural population, the same half-famished existence, the same enervation. It is difficult to convince ourselves that modern civilization has done the peasant any good in the past, and it may strongly be doubted whether it can be of any use to him in the future. particularly if the direction at present given to it be continued. Modern civilization has pretty well ruined the manufacturing class, and, generally, the labourers in towns; but it has not killed their reason. On the contrary, it has developed in them a wide understanding of the present abnormal condition of social order; it has developed their capacities for a struggle with that abnormal condition, and fortified them with the hope that they will sooner or later gain the victory. The agricultural labourer, on the contrary, remains as dull and unconscious of what is passing around him as before. It cannot be said that the results of the immense changes that are taking place in society have not penetrated into the depths and recesses of isolated life; but they reach him by a process too slow and gradual to produce any great effort on the external circum-

* Their organ is the "Viest," or "News." "The Land and Liberty," by P. L., and the "Progress of Legislation in Russia," by Gregory Blank, are their chief works.

† "The Land and Liberty," from which the greater part of what follows has been drawn.

‡ Gregory Blank. "The Progress of Legislation in Russia."

§ The "National Memoirs:" No. 3,—Letters from the Country, p. 136

stances of his daily life. Amidst the general movement, he alone remains a firm ruin of the past, a walking history of generations that have long died out. In his life the manners and customs of antiquity have been petrified; morally, he reproduces, mechanically as it were, all the herd-like vices of his forefathers."

Mr. Bezobrazoff sums up these opinions as follows:—

"The immediate final results of the activity of either party on the field of literature are one and the same: each in its own manner, as far as it is able, and to the extent of its reasoning powers, endeavours to cast a shade over the beams of the new reforms. Each sees in those beams only sedition and disorder, an impoverishment and denudation of life; in those scarcely yet developed attempts at self-dependence and self-knowledge, they see tendencies that are either anarchical or anti-monarchical, or else wild impulses worthy of Khiva and Tashkend rather than of Europe."

Having thus summarized the views of the Conservative and Radical Parties, the learned academician proceeds to inquire into the facts alleged by those alarmists, without following them in their speculations as to the probable ultimate results of the changes made in the social state of Russia.

He points out that agriculture is passing through a crisis in every country in Europe, and that some of the complaints of Russian landholders are exactly similar to those made elsewhere, the causes being identical.* These general causes are, that agriculture is not permitted to pursue its wonted course; its forms are subjected to important changes that demand corresponding reform in legislation.

In addition to these common causes, special influences have supervened in Russia. The emancipation of the serfs, the construction of railroads, the foreclosing of mortgages, and a variety of other circumstances have combined to affect the value of land and its revenue. Estates have changed hands; small landed proprietors, not disposed to farm their properties, have moved into the towns, the abolition of serfage having rendered living in the country less cheap, and perhaps less comfortable, than formerly. A new class of proprietors is fast springing up—a fact which can be easily demonstrated by a reference to the electoral lists of the Territorial Institutions. It is true that in the industrial provinces peasants have in some cases relinquished their holdings, but those cases are, if anything, too rare. A considerable part of the rural population is artificially bound to follow agricultural pursuits, and the probable imminent reform of the system of poll taxation and the abolition of the system of "frank pledge" will considerably increase the tendency exhibited by the industrial peasantry to settle in towns. The absorption of the rural population by the towns is an inevitable law which Russia, like all other countries, must follow. It is an important fact, that a considerable proportion of the inhabitants of villages in Russia have for some generations past ceased to be agriculturists, although they still officially bear that title.

All these causes have combined to render fluctuating the value of land; but this can in no way be considered as a general fall in the value of land in Russia. It is the necessary effect of the progress and success of European civilization, of which only the Reds can repudiate the benefits.

Mr. Bezobrazoff very justly reproaches the Conservative party for introducing into its political programme "a prohibitive and protective tariff, which is one of the greatest acts of injustice that the Legislature can possibly commit against the interests of agriculture.† It took part in the tariff agitation, in the direction of results most unfavourable to agriculture, and already partly attained.

"Notwithstanding so many economical complications," continues that learned authority, "there are evident signs of an increase of the national wealth, as well as of industrial activity. The revenue from taxes, direct‡ and indirect, is steadily on the increase, in spite of great imperfections in the system of taxation; the revenue from Customs and the movements of foreign trade, have likewise considerably increased, notwithstanding the prohibitory character of the tariff.§ A similar increase is apparent in the goods and passenger traffic of railways."

* Mr. Bezobrazoff refers to an article by L. de Lavergne in the "Revue des Deux Mondes," 1868.

† It is difficult, Mr. Bezobrazoff shows, for agriculture to prosper in provinces such as those of Moscow and Wladimir, and partly in those of Tver and Jaroslav, where manufacturing industry, artificially stimulated by a protective tariff, forcibly deprives the land of labour. Mechanical processes are fast supplanting hand-spinning and weaving, and the combination of industry with agriculture is becoming from day to day more and more impossible.

‡ It is alleged by the Conservative Party that the revenue from direct taxation is kept at its present level only by the most rigorous measures for its collection.

§ The increase of importations has taken place principally under the head of railway stock, coals and machinery for industrial purposes; and it is doubtful whether the great increase of importation that has taken place in manufactures, in 1869, does not, to a considerable extent, represent the quantity of the same goods smuggled

Referring more particularly to agriculture, the academician denies the existence of any facts amounting to an indication of a general decadence of agriculture in Russia, no more than local failures of crops or epidemic among cattle can be considered as tantamount to a general famine in the land, "On the contrary," he says, "we may rejoice that, amidst so many unfavourable circumstances of the times—natural, physical, and moral—the elements of development should have asserted themselves in agriculture, and given rise to hopes of a brilliant future."

He does not, at the same time, ignore the favourable influence that has been exercised on agriculture by the exceptionally great demand for corn in foreign countries, by the impetus given to the cultivation of beet by increased Customs' protection, and even by the cotton famine, which promoted the growing of flax.

The reduction of the extent of proprietors' farms has not, in many cases, had the effect of lessening their production. "In an immense part of Russia, the agriculture, both of lord and peasant, has assumed proportions formerly unheard of, and which, although not always intensive, is nevertheless extensive. The corn-dealers in the interior of Russia assert that the stores of grain which are now kept in the trade are incomparably greater than they were ten years ago, and the merchant who now buys the quantity of corn which a first-class merchant formerly dealt in is considered only as a small dealer. Corn is now coming into the market in extraordinary abundance from localities that formerly took no part in the grain supply of the world, namely, from the eastern part of the basin of the Belaya, from the province of Stavropol, &c."

In respect to this part of Mr. Bezobrazoff's answer to the assertion of the Reds and the Whites, it will strike any impartial observer that the construction of railways, and the introduction of steamers on rivers, must, under the unfavourable circumstances which he enumerates, have had a greater effect than any slight improvement in the condition of the peasantry on the corn markets of the interior. The cereals of the Belaya and of Stavropol have fortunately come to replace the corn that may have been previously grown in greater abundance in certain other provinces. Even the Conservatives and Radicals acknowledge a development of agriculture in the southern provinces, and particularly where the peasantry have been, for political purposes, enriched at the expense of the landowners. A country so wide-spread, situated under such a variety of climatic and geological conditions, affords a vast field for arguments such as those under review. They all possess a certain measure of truth, and are even susceptible of conciliation. Thus, Mr. Bezobrazoff admits that, notwithstanding his dissent from the views of the Reds and Whites, as to causes and ultimate results, he "cannot but see many melancholy defects in the state of the labouring classes, and desire the removal of many conditions extremely unfavourable to their welfare; although some of those defects—such as moral licence (which is not tantamount to demoralization), prodigality, want of foresight, and even drunkenness—are quite as general in other classes of society, and yet the latter circumstance does not allow us to speak of a general and progressive moral decadence.

"Every one must wish to see an improvement in the condition of the peasantry, an elevation of the level of their daily existence, and a development of higher necessities of life. At the same time," Mr. Bezobrazoff argues, "the extreme and melancholy absence of wants, and the patient endurance of the Russian peasant in respect of the circumstances of his life, facilitate rather than impede the arrangements of landed proprietors and contractors, at the present level of their own industrial training. We do not at all see that those who cry out against our labouring classes are themselves free from their economic vices; nor do we see that the measures which they desire to introduce are calculated to improve the condition of the country."

It would, in reality, seem that the disagreement between the three rival groups is referable to the future, rather than to the past. The abolition of serfage and the reforms that have followed are applauded by all. They have been introduced under circumstances of peculiar difficulty. Defects in the Emancipation Act have been discovered more than sufficient to account for the slow progress of the State towards prosperity. They require remedies, and the landed interest is on the watch to prevent those remedies from being introduced by the party under whose influence the Emancipation Act was, in their opinion, vitiated by provisions of a Socialistic tendency, which have proved either abortive or disastrous.

under the previous tariff. On the same hand, the exports from Russia have increased under several heads, but certainly, as shown by the "Viest," not in the same proportion as the exports from Egypt, which have been as follows:—1861, 373,000,000 piastres; 1865, 1,686,000,000 piastres. The exportation from Russia between 1857-61 and 1862-66 has increased as follows:—Wheat, 34 per cent.; wool, 23 per cent.; flax, 25 per cent.; linseed, 3 per cent.; hemp, 2½ per cent. Between the same periods the exports fell off under the following heads:—Oats, 28 per cent.; rye, 25 per cent.; tallow, 21½ per cent.

The struggle between the rival parties is all the more violent, ince the defects are on both sides acknowledged to be so serious as to require, not palliative remedies, but radical cure.

That cure will doubtless be found in the history of other European countries, which have long since abandoned the communal tenure of land, the system of "frank pledge," and poll taxation; which nowhere compel a man to be an agriculturist when he might be doing better as a carpenter or mill-hand; and which, while endowing all classes with civil liberty, have not placed that liberty at the mercy of ignorance. To deny that Russia will become more truly great and more decidedly prosperous when she has entered more completely upon the course of social and political development pursued by all other nations in Europe, would be to disbelieve in, the potency of liberty and the superiority of enlightenment over ignorance.

In the meanwhile, the past experience of Russia in regard to Land Legislation would seem to afford a practical lesson of the injuriousness of laws intended to stimulate artificially the formation of a class of small proprietors and the attachment of a peasantry to the soil.

No. 7.

Sir A. Buchanan to the Earl of Clarendon.—(Received January 31.)

My Lord, *St. Petersburgh, January 26, 1870.*

WITH reference to my despatch of the 12th instant, inclosing Part I of Mr. Michell's Report on the Tenure and Cultivation of Land in Russia, I have now the honour to forward Parts II, III and IV of that interesting and exhaustive account of the present condition and future prospects of the rural population of this country.

In doing so, I must again express to your Lordship my deep sense of the zeal, labour and ability with which Mr. Michell has performed the duty confided to him.

I have, &c.
(Signed) ANDREW BUCHANAN.

Inclosure in No. 7.

Continuation of Report by Mr. Michell on the Tenure of Land in Russia.

PART II.—ANSWERS TO THE QUERIES APPENDED TO THE EARL OF CLARENDON'S DESPATCH OF AUGUST 26, 1869.

Name of Country.—The country to which the following queries and answers relate is Russia Proper in Europe, exclusive of the Kingdom of Poland, the Grand Duchy of Finland, and the Baltic Provinces of Esthonia, Courland and Livonia, respecting which separate inquiries are being made by Her Majesty's Consuls.

Area and Population.—The area of the country under consideration is 87,289 square geographical miles* inclusive of inland waters, or 84,577 square miles without the inland waters, and its population, according to an enumeration made in 1863, 59,097,859 of both sexes,† or nearly 700 inhabitants per square mile.

* The total general area of Russia in Europe is as follows:—

Russia Proper	87,289	square geographical miles.	
Kingdom of Poland	2,314	„	„
Grand Duchy of Finland	6,835	„	„
Baltic Provinces	1,699	„	„
Total	98,137	„	„

† Exclusive of the Baltic Provinces .. .. .. 1,812,250 inhabitants.
„ „ Ural and Orenburg Cossacks .. .. 124,356 „
„ „ Inner Kirghez Horde .. .. .. 134,000 „

Their population is divided into the following classes :—

Nobility, gentry, officials.. ..	956,421	or 1¾	per cent. of total population.
Clergy, with their families ..	607,454	1	„ „
Urban population	4,665,668	8	„ „
Rural „	47,929,697	81	„ „
Military „	3,998,254	6¾	„ „
Foreign subjects	75,175	1½	„ „
Not classified	865,189		
Total	59,097,858	100	„ „

The rural population with which this Report has chiefly to deal is officially subdivided as follows :—

	Men.	Women.	Total.	Per Cent.
1. Rural population, or Crown domains	11,167,732	11,683,554	22,851,286	48
2. „ „ Private lands (ex-serfs) ..	10.673,632	11,080,767	21,754,399	45
3. „ „ Appanage and other lands ..	1,624,757	1,701,253	3,326,012	7
Total	23,466,121	24,465,576	47,931,697	100

Religion.—The Religion of the great majority of the landed proprietors and peasantry of Russia Proper is the Russo-Greek, inclusive of about 7,000,000 of Dissenters, only 802,000 of whom are officially registered as such. In the South-West and North-West, or old Polish Provinces, about 3,000,000 of the population are Roman Catholics. In both cases the landed proprietor and the peasant belong, as a rule, to the same religion.

Industrial Pursuits.—In thirteen of the central provinces of Russia, where the soil is less favourable to the development of husbandry, the population is very extensively engaged in industrial pursuits. The manufactories, spread over the country, but found mostly in the provinces of Wladimir, Moscow, St. Petersburgh and Jaroslav give employment to about 358,000 workmen. Nearly all the villages in the latter province are interested more or less directly in the development of manufacturing industry. Thousands of hands are employed in the villages of Wladimir in spinning and weaving cotton, while entire village communities devote themselves to some particular branch of industry. Some villages produce hardware, others cutlery; wooden boxes will be made in one commune, boots and shoes in another.

But, apart from these well-established industries, which render the pursuit of agriculture in these districts of secondary importance, it may be said that, except in the Black Soil country (two-thirds of the agricultural population), the peasant in Russia is, at the same time, more or less a mechanic, a manufacturer, a trader, and a labourer for hire. The long months of winter, during which all agricultural operations are in suspense, favour the development of the industrial and commercial instincts of the Russian people. They have also, to a considerable extent, been developed by serfdom, under which the peasant attached to an unproductive soil was driven into other pursuits by the necessity of paying his quit-rent.

The tendency of the Russian peasant to seek industrial occupation after the termination of his field labours has been promoted by increased taxation, consequent principally on the system of land taxation.

The carriage of goods by the rivers and highways likewise continues to give employment to a considerable portion of the peasant population in summer and in winter. In the former case the peasant returns in time to reap his harvest.

In the purely agricultural provinces, the peasants make their own implements, and the women clothe their families with the wool and flax which they weave and spin. But their cottages are, for the most part, constructed by carpenters who come from villages on the Volga.

The relative prosperity which the peasantry have derived from industrial pursuits may be seen from the average rates of quit-rent which were payable by each male serf prior to 1861.

Thus, in the industrial provinces of Russia, the average rate of quit-rent was 9 roubles 29 copecks per male (24*s.* 9*d.**); in the purely Black Soil provinces, 8 roubles 77 copecks (23*s.* 4*d.*); and in the steppe and other provinces, where the pursuit of industry is but an unimportant item of wealth, 7 roubles 89 copecks (21*s.*). The peasant, who, to a great extent, devoted himself to industry was thus supposed to

* Throughout the present Reports the value of the rouble has been taken at the mean rate of 32*d.*

be able to pay 15 per cent. more quit-rent than the serf who supplemented the income which he derived from agriculture by carrying goods in winter, or hiring himself out as a labourer in the towns.

(A.)—Small Proprietors.

(B.)—Tenants under Proprietors, and Sub-Tenants under Intermediate Tenants holding from Proprietors.

5. Since the Emancipation Act of 1861, the cultivable lands of Russia Proper have been approximately distributed as follows:—

Town lands, about		0·4 per cent.
Crown lands, about		33·0 „
Appanage lands, about		1·6 „
Lands attached to mines, &c.		3·5 „
Lands held by peasants:—		
(1). Crown peasants	14·7 per cent.	20·0 „
(2). Appanage peasants	0·9 „	
(3). Former serfs of landed proprietors	5·0 „	
Lands held by landed gentry and nobility		19·7 „
Lands held by other proprietors, or not surveyed		17·7 „
Lands held by Colonists, Cossacks, &c.		2·7 „

One-third of the cultivable land in Russia Proper is therefore still held by the State, one-fifth by landed proprietors, one-fifth by the peasantry, and the remainder under a variety of forms—by colonists, churches, &c.

Prior to the emancipation, the landed proprietors had possession of 300,872,308 English acres, of which one-third (or 100,000,000 acres) was in the occupation of their serfs. The Emancipation Act raised to about 239,000,000 acres the quantity of land in the actual possession of the nobility or gentry, and reduced to a little over 60,000,000 acres the area of land which the serfs formerly held at a quit-rent or in return for service, but of which the emancipated peasantry were bound by law to become proprietors in freehold, or tenants at a rent fixed by law.

The landholders of Russia may be classified as follows:—

(1.) Nobility or Gentry and Merchants.
(2.) The Imperial Family (Appanages).
(3.) The Crown.
(4.) The Peasantry.

While the landed nobility and gentry, and the merchants who have purchased lands since 1861, form a class of landholders numbering a little over 100,000 (exclusive of their families), and holding one-fifth of the total area of land capable of being cultivated in Russia Proper, the peasantry of Russia, numbering about 48,000,000 of both sexes, and formerly known as serfs, Crown peasants and appanage peasants, now occupy, under a variety of denominations and forms of tenure, another fifth of the area of cultivable lands.

Although practically no distinction, in regard to circumstances can yet be drawn between the peasantry who are acquiring the freehold of their allotments, and those who are only tenants at a fixed rental, they may technically be divided into (A) Small Proprietors and (B) Tenants.

(A.)—Small Proprietors.

The peasantry of Russia may be divided into three principal groups in respect to the mode in which they have acquired the possession of land:—

(I.) Peasants on land not mortgaged to the State.
(II.) Peasants on lands mortgaged to the State.
(III.) Peasants settled on Crown lands.

I.—*Peasant Proprietors of Lands not Mortgaged to the State.*

This group is composed as follows:—

(1.) Of the few peasants who availed themselves of an Ukaze, permitting them to purchase their freedom and the lands which they occupied, whenever the latter were

put up to auction. They are officially styled "Crown peasants living on their own lands."

(2.) Of a small number of agriculturists, on the south-east borders of the Russian Empire, who, known as "Odnovortsi," may be compared to the copyholders of England. They obtained grants of land from the Crown in the seventeenth century, on condition of defending the Ukraine frontier. Like other proprietors, they held serfs, but from 1841 the Government began to buy them out. Only about 5,000 Odnodvortsi, of both sexes, remained in 1858.

(3.) Of a very small number of communes and individual peasants who, in the seventeenth century, received grants of lands and an exemption from taxation, for special services rendered to the Czars of Moscow; they are technically called "Obelny," or "Whitewashed," and their number in 1858 was only 205 of both sexes.

(4.) Of a few thousand peasants who, independently of their communes or personal statute allotments, have purchased land in freehold since 1861.

(5.) Of an insignificant number of peasants who have paid off the mortgage on their lands or homesteads, and become absolute proprietors thereof in freehold; and,

(6.) Of about 600,000 of the ex-serfs who have accepted the gift of a minimum allotment of land from their former lords, in lieu of purchasing with the aid of Government, or of holding at a fixed rental, the lands to which they were entitled under the Emancipation Act.

II.—*Peasants on Lands Mortgaged to the State.*

This class is composed of two-thirds of the total number of ex-serfs, and of all the peasantry of the appanages, who, either at the instance of their former lords, at their own desire, or by legislative compulsion (as in the case of the appanage peasants), have contracted a debt with the State for the purpose of purchasing the lands allotted to them under the Act of Emancipation. It is, however, only in the southern, south-western, and north-western provinces of Russia,* where the communal system does not exist, that this class of peasants can, from an English point of view, be considered landed proprietors. In the rest of Russia, particularly in the thirty-three provinces of Great Russia, the proprietory rights in lands allotted to the peasantry are vested in the communes, of which the peasantry may, therefore, theoretically be considered only tenants. At the same time, they enjoy the perpetual, hereditary, and individual usufruct of their homesteads.

III.—*Peasants settled on Crown Lands.*

Technically, the peasantry, whether under the communal system or otherwise, occupying Crown lands, and hitherto known as "Crown peasants," are now known as "peasant proprietors." Their number is 23,000,000 of both sexes. It is, however, a matter of dispute whether the communes of this class of peasantry, or the Crown peasants, where the communal system does not exist, should be considered as having proprietory rather than tenancy rights.

The redemption scheme does not apply to this peasantry, and the Crown is not considered a mortgagee of their lands. At the same time, although the peasantry are termed proprietors, and have even the right of alienating their allotments, the State demands the payment of a yearly rental ("obrok"), and makes the alienation, or transfer of land by the peasantry, conditional on the purchase-money (which is fixed by the capitalization of the rent at 5 per cent.) being paid into the Exchequer of Crown domains. The proprietory rights of this peasantry would further seem limited, by the fact that the rents, the capitalization of which at 5 per cent. represents the price of the land, are fixed only for twenty years, after which they will be raised.

This form of land tenure is, in fact, a combination of proprietory rights with tenancy rights. The Legislature has bestowed the title of proprietors on the peasantry, and their lands can in no case revert to the Crown.

Although the quit-rent leviable on Crown lands occupied by individual peasants (where the communal system does not exist) cannot be capitalized and paid off, this class of peasantry may likewise be considered in the light of "small proprietors," with the right of alienating or inheriting their allotments, subject always to the payment of the "obrok," or quit-rent, to the State.

* In the Province of Poltawa; in two-thirds of Chernigof; in one-third of Kharkof, Ekaterinoslaf, and Kherson; in the Provinces of Kief, Volhynia, and Podolia; in the Provinces of Wilna, Kowno, and Minsk; and in one-third of Witebsk and Mohilef.

(B.)—Tenants.

The forms of tenancy may be classified as follows :—
I. Tenancy under Legislative Acts.
II. Tenancy by mutual agreement.

I.—*Tenancy under Legislative Acts.*

Under the first head may be placed, theoretically,—

(1.) The great bulk of the peasantry of Russia Proper, whose communes have accepted the aid of Government in the redemption of their lands, and who have not purchased from those communes their individual proprietory rights.

(2.) All the communes of ex-serfs which continue to hold their allotments and homesteads at a rental fixed by the Legislature, and paid either in money or service. This class of tenancy exists only in the thirty-three provinces of Great Russia, and still includes about 3,000,000 of males, or one-third of the total number of ex-serfs; and

(3.) The ex-Crown peasants, who continue to hold under communes that have not paid off the capital of the rent with which the land is burdened, and the payment of which in one sum converts the tenancy into freehold proprietorship.

II.—*Tenancy by Mutual Agreement.*

Notwithstanding the allotment of land to the peasantry, the leasing of lands from landed proprietors and from the Crown has become very general, particularly in the purely agricultural districts.

A very large proportion of the estates of the landed nobility or gentry, and large tracts of Crown lands, are thus held by the peasantry, at a rental fixed by mutual written agreement, frequently for periods of three, six, nine and twelve years, but, as a rule, for the term of one year.

It is only in exceptional cases that these lands are leased for the purpose of being built on. The peasantry having their own homesteads, require these additional lands only for cultivation.

6. The quantity of land left in the actual possession of the former privileged class of landed proprietors, gives an average of 673 dessiatinas (1,925 acres) to each proprietor, and that of which their ex-serfs are now either perpetual usufructuaries (proprietors) or perpetual tenants is about $3\frac{1}{2}$ dessiatinas (10 acres) per male. The ex-serfs of the appanages have, however, retained an average allotment of $5\frac{2}{5}$ dessiatinas ($15\frac{1}{2}$ acres), and the Crown peasants 7 dessiatinas, or 20 acres. In addition to these peasant proprietors, the Colonists, who settled in Russia originally under an Ukaze of 1763, hold an average allotment of about 6 dessiatinas (17 acres).

The Cossack population, which is agricultural as well as military (14,250,000 males), was, on the 1st of Janury, 1868, in possession of an average allotment of 48 dessiatinas (127 acres) per male; but the form and the conditions of their tenure exclude them from the range of the present inquiry.

Where the communal system exists, the peasant allotments are necessarily very much intersected, a disadvantage that arises principally from the three-field system of cultivation, under which a peasant obtains a small parcel of land near his own homestead and another at a considerable distance, each householder receiving his share of the nearest and best as well as of the furthest and worst lands held by the commune.

As regards the intersection of the peasant lands with those of other classes of proprietors, the arable land alienated from the lord of the manor for the benefit of the peasantry is generally well defined in the "Settlement Deeds" that were drawn up immediately after the emancipation, when the landed proprietors availed themselves very generally of a clause in the Emancipation Act, that provides for the removal of all peasant homesteads that are within a distance of fifty fathoms from the manor buildings.

Except in the southern provinces of Russia (Chernigof, Poltawa, Little Russia), where most of the landed estates intersect each other, the properties are generally very well rounded off, particularly where they adjoin lands held by the peasantry.

7. In the case of proprietors of the nobility (gentry) or merchant class, the descent and division of landed property on the death of the owner are regulated by the general laws of the Empire,* which, in the absence of any testamentary disposal of such property, recognize and prefer the right of the next of kin in the following order of succession, viz.:—

* Modified only as regards the Provinces of Chernigof and Poltawa.

(1) lineal descendants, (2) collateral relations, and (3) parents and lineal relations in the ascending line.

In the descending line, the right of inheritance belongs by preference to the male issue *in infinitum* in equal parts, the widow, however, receiving one-seventh part of the real estate and one-fourth of the personal property, while the daughters, if any, have a claim to one-fourteenth of the former and one-eighth of the latter. Failing male issue, daughters and their issue divide the real estate. On failure of lineal descendants, the collateral relations succeed in the following order of preference :—(1) Brothers and their issue; (2) sisters, married or single, and their lawful issue; (3) uncles and aunts of the whole blood and their descendants.

The descent of family estates in the collateral line follows the line from which they are derived, whether male or female.

In the descending line, parents do not succeed to the real property acquired by their children; but, should the latter die without issue, the father and mother become coparceners of such property for life, without the right of alienation.

But, if such intestate property shall have been originally derived from the parents as a gift, it returns to the paternal and maternal ancestors failing issue, even where collateral relations exist.

There is no general law of primogeniture, although in a few great families estates have been entailed under a special law passed in the reign of the Emperor Nicholas. In 1713, Peter the Great attempted to introduce a general inheritance in fee of the eldest son; but this was so much opposed to the spirit of the Russian landholders that one of the first acts of Peter II. was to cancel the Ukaze of 1713.

It will be observed that the male issue is preferred to the female descent in the case of succession to intestate property; but there is an important reservation as regards the property of married women, who, having the power of disposition over, and the separate benefit of property held in their own right, may, on the death of the husband, retain possession of such separate benefit and power of disposition. As regards, however, the peasantry, who had no civil rights up to the year 1861, the Act of Emancipation declares legal the descent and division of real property according to local usage, which is naturally based on the communal and patriarchal organization of the rural classes.

The following are the main features of the local usages:—The property, real and personal, of a peasant, is generally considered as the common patrimony of the household or family, the chief of the household being charged with its entire and uncontrolled management.

The several members of a peasant household have no personal rights of property, and, therefore, on the death of the head of the family or household, the property which he administered continues to be the common inheritance of all the members of the family; but its management for the benefit of all devolves on the successor, who may either be appointed or designated by the previous administrator, or who may succeed to the latter by customary right of seniority. In some localities the brother of the deceased succeeds by seniority; in others, the eldest son. But in many parts of Russia the administration of the household property devolves on the senior in years, irrespective of the degree of relationship; while in others, again, the family elects a capable and trustworthy administrator. Should the head of a household die, leaving only minors of the male sex, a kinsman from another household generally takes charge of the family property, and administers it (in some districts) not as trustee of such minors, but as full proprietor for life. On the death of such administrator, the household reverts to the eldest son of the previous occupant.

It is obvious that, since succession to the administration of a peasant household involves personal labour to an extent that will suffice for the payment of taxes and rent and the rendering of service in respect to land, the appointment of trustees for the benefit of minors is impossible.

In the provinces of Great Russia, the division of property on the death of a householder has hitherto been the exception—not the rule. The development, however, of the spirit of individual proprietorship, and consequently of family quarrels, since the emancipation, has had the effect of rendering very general a division both of personal and real property (as far as the rights of real property are not circumscribed by the operation of the Emancipation Act) on the basis of a common interest in joint accumulations. In such cases property is divided, not according to the degree of consanguinity, but according to the number of male labourers of which the family is composed. Grown-up sons receive equal shares with their fathers and uncles, while an orphan nephew, not of full age, is not entitled to his deceased father's share, and is

simply attached to one of the sections of the household subjected to partition. Brothers-in-law, and connections or males adopted by the household, living in the same house, receive an equal share with relations. Relations of whatever degree are not entitled to any share if living apart from the household to be divided, as long as any member is left in the latter.

The great question that arises on the division of peasant property is, who shall get the house? Who shall get the roof-tree? As a rule, the house falls to the share of the eldest son. In some localities, however, it becomes the share of the youngest son.* This exception is generally to be found in the western and southern provinces of Russia, where the eldest son generally separates from the family during the lifetime of his father, and establishes his own household with the general aid of the family. The younger son is in such cases left, on the decease of his father, in the occupation of the family homestead.

Where male relations exist, females receive no fixed share of the common inheritance. They remain under the care of one of the sections of the family that has divided. On their marriage they receive a dower commensurate with the means of the family. Nor do widows receive any well-defined portion of their husbands' estate. If they have children, they generally remain with them under the family roof-tree. If childless, they return to their parents. The husband's family is bound to restore her dower, and it depends entirely on the own free-will of the family to make any allowance beyond the restoration of the dower.

8. The sale, exchange, and division of real property is effected by the registration of deeds in the local civil courts.

The cost of registering such deeds of sale, transfer, &c., is as follows:—

(1.) Stamp-duty on the deed, from 20 copecks (6½*d.*) to 1,200 roubles (160*l.*), in proportion to the value of the property.

(2.) A duty of 4 per cent. on the value of the property.

N.B.—In order to prevent the value of the property from being underestimated,† the law fixes a minimum valuation of land for each province. This ranges between 1 rouble 50 copecks and 10 roubles 50 copecks per dessiatina (1*s.* 5*d.* to 9*s.* 10*d.* per acre).

(3.) A fee of 3 roubles (8*s.*) for engrossing the deed of sale or transfer, and a further fee of 8*s.* to the court.

After registering the deed of sale, the court returns it to the seller, who delivers it to the purchaser. The latter then presents it to the District Rural Court, which sends a commission to convey the property to the purchaser.

In the provinces, however, in which the new judicial institutions have been introduced, all deeds relating to the transfer, &c., of land are drawn up by notaries, and certified by the "chief notary" attached to the Court of the Province in which the property may be situated. The expenses are in such cases the same as above stated. The Provincial Court causes the local Justice of the Peace to place the buyer in possession of the property sold.

Being either mortgaged to the State, or held at a rental, the lands of the peasantry cannot be sold, transferred or divided, except under the provisions of the Emancipation Act, the due execution of which is committed to "Provincial Courts for regulating the affairs of the peasantry."

All transactions between peasants in respect to lands must be legalized by their Cantonal Administration, and confirmed by the Provincial Courts above named. Until the 19th of February, 1870, the peasantry are privileged to execute deeds of sale on paper bearing a 20-copeck stamp, and without being called upon to pay the duty of 4 per cent. *ad valorem*.

9 to 11. The peasant allotments are in process of being purchased, with the aid of Government, to the extent of four-fifths of the value placed upon them by the Emancipation Act. Until the general mortgage (now amounting to 487,174,281 roubles, or 64,956,570*l.*) is paid off, the peasantry will be unable to raise any further loans on the legal security of immoveable property.

While assisting the peasantry, the Imperial Government has, at the same time, foreclosed the mortgages which it held on the lands of the nobility or gentry to the extent of 53,000,000*l.* sterling.

The Act of Emancipation included a kind of Incumbered Estates Act, inasmuch

* A case has recently occurred in which two brothers divided the log-hut between them by taking two walls a-piece, the younger brother removing the walls that fell to his share.

† A fine of double the amount of duty is inflicted when an undervaluation has been discovered. The direct heir of the seller of hereditary real property may, within a term of two years from the decease of the seller, claim the right of purchasing back such property at the valuation specified in the deed of sale, provided, however, he was not a witness to the execution of the deed.

as all debts due to Government loan banks are deducted from the gross amount of compensation given to landed proprietors for the alienation of portions of their lands to the peasantry.

There are now two land banks in Russia, one at Kherson, the other at St. Petersburgh; but their advances are made principally to the large landed proprietors, who, since the emancipation of their serfs, have endeavoured to work their estates with the aid of capital. On the 1st of September, 1868, the Kherson Bank held mortgages on 503 estates, against an advance of about 850,000*l.*, the average size of each estate being about 3,500 acres.

The Mutual Land Credit Bank of St. Petersburg, founded in 1866, with a capital of 750,000*l.*, had, on the 1st of July, 1868, advanced loans amounting to 700,000*l.* on 226 estates, averaging about 7,500 acres, the smallest estate mortgaged being 1,050 acres in extent.

The legal method of registering mortgages is the same as that of registering transfers, &c. (*Vide* Question 8.)

No *ad valorem* duty is charged, but the same stamp duty is leviable.

12. The principal modes of cultivation in European Russia are—(1) the triennial rotation of crops and (2) the long fallow system. There is another still ruder form of agriculture, that of clearing woods by fire, and sowing crops in the ashes without any preliminary ploughing. This primitive system is adopted in the thickly-wooded northern provinces of Archangel, Olonetz, and Vologda, and partly in those of Kostroma, Viatka, Pskof, Smolensk, Novgorod, Tver, and Perm, where it meets with the three-field system or triennial rotation of crops, so general throughout the central more thickly populated provinces of the Empire.

The long fallow (seven to twelve years) mode of cultivation is almost exclusively pursued in the southern provinces of Bessarabia, Kherson, Ekaterinoslaf, Taurida, Don Cossack Country, Astrakhan, Samara, and Saratof, of which the peculiar features are—thinness of population, absence of woods, abundance of steppe or grassy plains, and an extensive area of cultivable land, as will be seen from the following table :—

	Population per Square Verst.	Proportion of Woods to other Lands in 100 Dessiatinas.		Square Versts per Village.	Inhabitants per Village.	Cultivated Lands.	
						To one Village.	To one Inhabitant.
		Woods.	Other lands.			Dessiatinas.	Dessiatinas.
Bessarabia	33·4	9·0	91·0	24·0	653	1,824	2·5
Kherson	21·0	1·3	98·7	25·0	383	2,128	4·1
Ekaterinoslaf.. ..	20·3	1·4	98·6	24·2	436	2,031	4·1
Taurida	11·3	5·2	94·8	27·0	251	1,921	6·2
Don Cossack Country ..	6·8	2·2	97·8	56·0	377	5,155	13·3
Astrakhan	1·9	0·6	99·4	333·0	809	3,088	3·2
Samara	12·1	11·9	88·1	63·1	734	2,113	2·8
Saratof	23·5	10·9	89·1	34·1	711	2,539	3·1
Average.. ..	12·9	4·7	95·3	44·0	502	2,615	4·5

Of the total quantity of arable land in European Russia (inclusive, in this case, of the Baltic provinces), viz., about 88,000,000 dessiatinas (252,000,000 acres), nearly 75,000,000 dessiatinas (215,000,000 acres) are cultivated under the three-field system, which is, therefore, the form of agriculture that has most influence on the production of the country. All these primitive forms of agriculture are destined to be supplanted by a system of proper rotation of crops as the land becomes exhausted, deforested, and more thickly populated.

Any attempt to modify the three-field system has hitherto been considered by the peasantry as a freak of the landed proprietor, whose agricultural experiments weighed heavily on the serf that was called upon to give more labour and attention to the fields of his lord. The serf's own farm suffered in proportion to the time which he was obliged to devote to the more careful culture of the lord's lands. The majority of landed proprietors have therefore hitherto preferred obtaining in quantity what they could only get with greater difficulty in quality. Manure is now being used to a greater extent than formerly, both by the landed gentry and the peasantry; but the total quantity applied is still comparatively insignificant. In the province of Simbirsk, where the landed proprietor will lay down fourteen tons of manure to the acre, the peasant will scarcely be able to lay down seven tons, owing to his relatively small stock of cattle.

Mr. Wilson, of the Russian Statistical Department, estimated the yearly yield of

corn in Russia at nearly 266,000,000 chetverts* (about 186,000,000 quarters), of which 70 per cent. is grown on the black soil by a population of 36,000,000, which gives about 5 chetverts (28·85 bushels) per head. In the other provinces of Russia, comprising a population of 25,000,000, the yield is only 3½ chetverts (20 bushels) to each inhabitant.

Compared with other countries in Europe, the position of Russia as regards the yield of crops appears to be as follows :—†

Belgium	14·0	hectolitres of corn to 1 hectare of arable land.	
Netherlands	14·0	,,	,,
Saxony, Great Britain, Wurtemberg, Baden	13·2	,,	,,
Austria	10·3	,,	,,
France	9·3	,,	,,
Switzerland	9·3	,,	,,
Prussia	9·1	,,	,,
Italy	9·0	,,	,,
Norway	7·6	,,	,,
Spain	6·2	,,	,,
Greece	6·1	,,	,,
Russia	6·0	,,	,,

Under the rude system of land cultivation pursued in Russia, the yeld of crops is thus less than half the yield obtained in England or Saxony, and smaller than in any other country in Europe.

At the same time the great extent of fertile land cultivated in Russia,‡ with much smaller expenditure of capital and labour than in other parts of Europe, turns the scale in favour of Russia as regards the yield of corn per head of the population, which is 9 hectolitres in Russia, and only about 6 hectolitres in Switzerland, France, and Prussia, and 4·9 hectolitres in Great Britain. In other words, if the present agricultural population of Russia were to bestow on their lands the care which the soil receives in certain other countries, the produce of corn would be exactly double that which is now obtained, and which, while sufficing for a population of 124,000,000, would leave five times as much for foreign exportation as the country now sends abroad, viz., about 9,000,000 chetverts (about 6,500,000 quarters) per annum.

As regards the variety of crops sown in Russia, rye is the prevalent or almost exclusive grain produced, in the northern and central provinces as far as latitude 51° 52′. Beyond that line, rye is sown only for local consumption. Wheat is grown in the whole of the southern and partly in the western provinces, the sowing of spring corn being more general then the sowing of winter corn, particularly in the south-eastern part of the Empire.

Oats are very generally sown in the northern and central zone, and much less in the southern provinces. In Great Russia, buckwheat has an important place among spring crops, and millet in Southern Russia. The remaining spring crops are barley, peas, beans, and centil. Maize is much grown in Bessarabia, and is, to a great extent, exported abroad. Its cultivation is spreading over the northern part of the province of Kherson, and the more southern districts of the Provinces of Podolia and Kief.

Potatoes are principally grown in the Baltic and western provinces, and scarcely at all in Bessarabia and the eastern governments of the basins of the middle and lower courses of the Volga.

The growing of beet-root for sugar was first commenced in Russia in the early part of the present century. It is principally grown in the southern provinces, on the black soil. In 1864, about 290,000 acres were sown with it in Russia alone, irrespective of the Kingdom of Poland. The yield is generally about 65 cwt. to the acre (59 berkovts per dessiatina).

Mr. Wilson calculates that the home consumption of corn is about 175,000,000 chetverts (120,000,000 quarters), or about 3 chetverts (17¼ bushels) per head of the population of Russia in Europe.

The distillation of spirits consumes about 9,250,000 chetverts (6,500,000 quarters) of corn and potatoes.

The average annual excess of production over consumption, after deducting those two items, is about 35,500,000 chetverts (25,000,000 quarters).

* One chetvert is equal to seven-tenths of an imperial quarter.

† From Hausner's "Comparative Statistics," quoted in Mr. Wilson's "Explanation to the Agricultural Map of Russia." St. Petersburg, 1869.

‡ One-fifth of the surface of Russia in Europe is composed of black soil, or vegetable mould. But in several parts of Russia the black soil is much exhausted and requires manure. It has been found, during the last twenty years, that where it once produced wheat in abundance, oats and millet are not always good crops.

As a rule, the crops of peasant farmers (whether proprietors or tenants) are lighter by 50 to 75 per cent. than the crops of landed proprietors possessing capital and intelligence.

The proportion in which the various crops are sown by the peasantry depends very much on the seed which they may have retained from the previous year's harvest. They seldom retain a sufficient quantity even in the black soil districts, and are forced to purchase it in spring. It is too often bad and mixed.

The following table shows the rise or fall in the price and exportation of the principal items of Russian agricultural produce between the quinquennial periods that preceded and succeeded the emancipation of the serfs.

It shows that the price of the principal article of peasant produce—viz., rye, increased about 6 per cent. in 1862—1866, as compared with 1857—1861. As the foreign exchanges fell about 7 per cent. between the same periods, the increase of 6 per cent. in the price of rye would seem to show that its production has remained stationary,—a symptom that cannot but be considered unhealthy, since the construction of railways and the introduction of steamers on rivers should have had the effect in reducing the price of cereals. Wheat and oats, instead of rising in value with the fall in the exchanges, became cheaper by 3 and 4½ per cent., and the exportation of wheat, which represents 25 per cent. of the value of the total exports from Russia, increased 34 per cent.

The exportation of Russian produce depends so much on the competition and prices of the United States, Egypt, the Danube, &c., that it is scarcely safe to make from the above facts any deductions, favourable or unfavourable, as to the state of agriculture in Russia.

Its exports are, moreover, to a very considerable extent influenced by a tariff which still prevents Great Britain and other countries from extending very materially their commercial intercourse with the Empire, and which, by keeping at a high level the prices of goods and commodities, which are more and more required in Russia as a consequence of increasing civilization, has, at the same time, the effect of preventing the price of Russian produce from falling to a level that would enable the Russian farmer to compete on more favourable terms with other corn-growing countries.

Another important reason why the Russian producer finds it difficult to compete with other countries is, that the heavy charges with which freights are burdened at Russian sea-ports form an important item in the cost of carriage. Thus, while the the Russian Government imposes on shipping a tax of only 10 copecks per last at St. Petersburgh, Riga, and Archangel, the merchants and commission-agents at those ports, in collecting that tax for the Government, levy three and four times as much for their own benefit and that of Custom House agents, in addition to numerous other commissions and charges, against the imposition of which shipmasters have but little redress.

TABLE showing the Rise or Fall in the Price and Exportation of the principal items of Russian Agricultural Produce.

Produce.	Prices.			Exportation.			
	1857–1861.	1862–1866.	Difference per cent.	Yearly average of 1857–1861.	Yearly average of 1862–1866.	Difference *per cent.	Relation to Total Value of Exports, 1862–1866.
	R. c.	R. c.		Chetverts.	Chetverts.		Per cent.
Rye, per chetvert ..	6 11	6 47	6 +	1,783,643	1,332,247	25 —	4½
Wheat „ ..	10 34	10 1	3 —	3,979,460	5,368,125	34 +	25
Oats „ ..	3 87	3 69	4½ —	1,780,152	1,280,250	28 —	2¾
Linseed „ ..	10 0	11 50	15 +	1,390,656	1,431,446	3 +	10
Tallow, per pood ..	5 6	4 70	7 —	16,160,530	12,698,717	21½ —	7
Wool, raw „ ..	3 10	3 13	1 +	4,941,628	5,950,588	23 +	10
Flax, per berkootsi ..	35 49	47 0	31 +	3,839,675	4,784,604	25 +	12
Hemp „	25 5	31 24	25 +	3,079,905	3,168,169	2½ +	6

* Fall in Exchanges between 1857–1861 and 1862–1866 = 7 per cent.

In 1867 and 1868 the Export was as follows:—

	1867.	1868.
	Chetverts.	Chetverts.
Rye	3,368,611	1,867,597
Wheat	8,612,351	6,754,452
Oats	1,175,811	2,278,710

13.* Owing to the great variety of the climate and soil of Russia, the greatest diversity exists in the proportion between tillage and grass lands in the several provinces of the Empire. Thus, while the general average proportion of tillage lands in Russia is about 20 per cent., the quantity of land under cultivation in the Province of Tula is 70 per cent., whereas in Astrakhan it is only 1 per cent. and in Archangel 0·1 per cent.

The grass lands are distributed with the same irregularity. The general mean proportion is about 12 per cent., while the maximum proportion is as high as 62 per cent. (in the country of the Don Cossacks); at the same time, the minimum proportion is about 1 per cent. (Vologda).

The proportion of land occupied by forests varies from 0·6 per cent. (Astrakhan) to 92 per cent. (Vologda); the mean proportion being about 40 per cent.

The following Table shows the distribution of tillage lands in the several provinces of European Russia:—

PROPORTION of Tillage Lands to 100 dessiatinas of general area.

	Per cent.		Per cent.
Tula	70	Smolensk	38·1
Kursk	67	Bessarabia	37·8
Voronej	60·2	Jaroslav	35
Tambof	60	Volhynia	33·7
Kief	57	Pskof	32·3
Riazan	56	Ekaterinoslaf	32·2
Kowno	55·3	Tver	31·7
Orel	55	Saratof	26·6
Chernigof	54	Don Cossack Country	25·5
Kaluga	53·7	Minsk	24·9
Podolia	52	Viatka	24
Penza	50·6	Kostroma	20·6
Simbirsk	47·9	Taurida	17·5
Kharkof	46	St. Petersburgh	16·3
Mohilef	45·1	Samara	13·8
Witebsk	45·5	Novgorod	12·4
Kherson	45	Ufa	10·3
Poltawa	44	Perm	9·7
Kazan	44	Orenburg	5·6
Wladimir	43·8	Vologda	2·2
Wilna	42·9	Olonetz	2·1
Grodno	41·3	Astrakhan	1·1
Moscow	38	Archangel	0·1
Nijni-Novgorod	38·7		

In twelve provinces of Russia the proportion of tillage lands to the general area is above 50 per cent. (or on an average of 57·43 per cent.). These are the Central Black Soil Provinces, and partly those of the Ukraine and South-West of Russia.† The next group (twenty-four provinces) comprises the districts where the proportion of tillage lands ranges between 20 and 50 per cent. (or an average of 36 per cent.). They are situated on the borders of the more favoured provinces. The proportion of tillage lands is under 20 per cent. throughout the North of Russia Proper and in the Eastern Provinces beyond the Volga.

The proportion of tillage lands in Russia Proper is in direct connection with the distribution of the population, excepting perhaps near the capitals, where the density of the population affects the average relations.

As regards grass lands, the following table exhibits their absolute proportion to 100 dessiatinas of general area as well as their proportion in relation to lands under tillage:—

* The greater part of this answer is taken from Mr. Wilson's work.

† The corresponding average proportion in Poland is 50·2 per cent., in Finland, 1·2 per cent., and in the Baltic Provinces nearly 20 per cent.

Provinces.	To 100 Dessiatinas of General Area.		To 100 Dessiatinas of Tillage Lands.
	Tillage.	Grass Lands.	Grass Lands.
	Per Cent.	Per Cent.	Per Cent.
Astrakhan	19	81	424·2
Taurida	26	74	350·0
Orenburg..	27	73	344·4
Don Cossack Country ..	27	71	243·5
Saratof	39	63	165·0
Ekaterinoslaf	40	60	149·0
Archangel.	43	57	147·7
Samara	43	57	132·4
Bessarabia	52	48	99·4
Ufa	53	47	89·3
Perm	54	46	86·7
Kherson	54	46	86·7
Poltawa	57	43	73·9
St. Petersburgh	58	42	70·8
Tver	59	41	69·0
Kharkof	60	40	65·2
Vologda	64	36	56·2
Jaroslaf	65	35	54·5
Smolensk..	70	30	43·1
Viatka	85	15	17·1
Riazan	85	15	17·0
Mohilef	85	15	16·8
Orel	85	15	16·6
Nijni-Novgorod	86	14	15·5
Tula	87	13	15·0
Minsk	71	29	40·0
Novgorod..	73	27	36·1
Volhynia	73	27	36·1
Wilna	74	26	34·6
Olonetz	74	26	34·3
Penza	75	25	33·3
Podolia	76	24	30·5
Voronej	76	24	30·4
Grodno	78	22	28·3
Moscow	80	20	25·0
Pskof	80	20	24·5
Simbirsk	80	20	24·4
Kowno	80	20	24·1
Chernigof	81	19	23 9
Tambov	82	18	20·8
Kostroma..	83	17	20·3
Kaluga	83	17	19·8
Kazan	84	16	18·2
Kief	85	15	17·6
Wladimir	87	13	14·7
Kursk	87	13	14·1
Witebsk	91	9	8·1

The most favourable relation of grass lands towards lands under cultivation is, therefore, to be found in the South-East Provinces (Astrakhan, Don Cossack Country, Samara, Saratof, Orenburg), and in the Southern Provinces of Taurida (Crimea), Ekaterinoslaf, and Bessarabia, where, however, owing to the long fallow system of cultivation, there is no strict distinction between tillage and grass lands. The considerable proportion of grass land in the North-Western Provinces of Russia* is attributable to the poverty of the soil fit to to be cultivated. The proportion of half a dessiatina of meadow or grass land to one dessiatina (2·86 acres) of tillage land is found in some of the Northern Provinces (Archangel, Perm, Vologda, Tver, Jarolav), as well as in the Ukraine Provinces of Poltawa and Kharkof.†

In the remaining parts of Russia‡ the proportion of grass to tillage lands is less than half a dessiatina (1·43 acre), and in the Central Provinces, which are principally agricultural, it is even under one-fourth of a dessiatina to a dessiatina of tillage land.

Since pastures are no longer held in common by lord and peasant, the latter finds

* The excess of grass over tillage lands in Finland and Esthonia may also be referred to the same cause.

† A similar proportion exists in the Baltic Provinces of Livonia and Courland.

‡ Also in the Kingdom of Poland.

it from year to year more difficult to raise and keep stock on his comparatively small allotment of land.

It is true that the allotments include a certain proportion of common for pasturage (*vide* abstract of Emancipation Act), and a third of the arable land held by the peasantry that lies fallow every year is likewise used for grazing purposes; but, as a rule, the peasants are obliged to lease pasturage lands and meadows for money or, most frequently, for service.

The peasantry certainly keep less stock now than they did before the Emancipation, and one of the reasons of this is that they have no longer the run of the lord's commons.

As cattle is liable to be seized for communal rents and taxes, the peasantry are not anxious to keep any superfluous quantity of stock, which is, moreover, liable to be carried off by the Siberian and other plagues.

It is asserted by writers of the Conservative Party that the quantity of cattle kept by the peasantry has been reduced by one-half since 1861 from the above causes.

Their agriculture has probably been kept back in the same proportion in provinces where the land requires the application of manure.

14. Agricultural machinery is employed to a small extent by the landed nobility or gentry; not by the peasant proprietors, who are as yet to poor and too unenlightened to purchase it. Apart, however, from the inability of the peasantry to purchase machinery, or their prejudices against its introduction, the difficulty of repairing it when broken or out of order is a serious obstacle to its employment even on large estates, when they are situated far from towns and out of reach of mechanics acquainted with its construction. On a few of the larger estates in Russia, mechanics are specially engaged for the purpose of keeping agricultural machinery in repair. On the other hand, proprietors of small estates have, to a great extent, been either discouraged in the employment of machinery by the difficulty, if not impossibility, of getting it mended, or they have gradually let more and more of their lands to the peasantry, who, cultivating comparatively small patches, find but little use for machinery.

The agricultural implements of the peasantry continue to be of the rudest description, the use of the modern plough being only known to a few of the more intelligent and enterprising peasantry, principally in the Southern Provinces.

At Moscow the trade in agricultural machinery, which assumed considerable proportions soon after the emancipation of the serfs, is now at a stand-still.

This may be partly attributed to the fact, that some of the simpler and more generally used agricultural machinery is, to a greater extent than formerly, made in the country.

The principal instrument is the "soca," or ancient "arère" of France and other countries. It has no mould-board and does not turn over the soil, but is used with advantage on large estates as an extirpator.

In the Southern Provinces and in the corn-growing districts on the Volga, the peasantry are beginning to see the necessity of using better implements. They frequently borrow ploughs of the great landed proprietors, who, in some cases (as at Usolyé, in the Province of Simbirsk), manufacture a kind of improved Hohenheim or Flemish plough, and sell it to the peasantry at a price which is considerably below that of a plough imported from England, the cost of a Howard plough at Moscow being about 4*l.* 10*s.*, while the home-made plough can be delivered to the farmer at about 3*l.*

15. The peasant proprietors and tenants, with whom the present Report has principally to deal, employ but little, if any, extraneous labour in the cultivation of their allotments, or even of the lands which they lease.* Each peasant householder reckons on completing his field-work with the aid of his own family. When, however, he has rented more land than he can harvest without aid, he calls on his friends, whose labour is most generally requited by a plentiful supply of food and drink.

Even on large estates, the labourers generally belong to a neighbouring village and live on their own land, engaging themselves either to do a certain amount of piece-work or to work during the months of summer, from the 25th March to the 15th November (o.s.), if their duties at home can be performed by other members of the family.

According to the usage of the country, a field of 4 dessiatinas (11½ acres) can easily be cultivated by one man.

From information laid before the Committee of Emancipation it would appear that the serfs' labour produced on an average the following results:—Ploughing, ½ dessiatina (1½ acres) per day; sowing, 2 to 4 dessiatinas (5¾ to 11½ acres) per day;

* Except in the Central Provinces, where the fixed population is not purely agricultural.

reaping corn, ½ to ¾ dessiatina (1½ to 2 acres) per day; cutting grass, ¼ to ½ dessiatina (¾ to 1½ acres) per day.

A considerable portion of the farm work on the estates of the nobility, gentry, and merchants is now done by tenants, who contract to plough or reap a certain quantity of land in lieu of paying rent for meadows or fields.

The *metayer* system is also very common, the proprietor of the land generally giving the seed and sharing the produce with the cultivator.

Female labour is employed throughout the Northern, Central, and Eastern Provinces of Russia in most of the processes of agriculture, not even excepting the work of ploughing, where the husbands are engaged in industry.

The wife of the peasant proprietor is throughout Great Russia a farm labourer. She is employed from May to August in preparing the kitchen garden, sowing the spring corn, carting manure, tilling the land (where male labour is scarce), mowing and harvesting, and later in sowing winter corn.*

In the Southern Provinces of Russia, however, the female holds a more honourable position in the peasant household. Her hand never guides the plough, nor drives the team; it rears the flowers that grow round the neat cottage of the Little Russian, and at harvest time assists the husbandman in gathering in the corn with which a fertile soil and a climate more genial than that of Great Russia abundantly supply him.

The peasantry begin work in summer at the dawn of day, mostly at 2 A.M., when working for themselves,† and finish at 9 P.M., with periods of rest equal to two or three hours, leaving sixteen to seventeen hours' work per diem. Persons competent to form an opinion, consider that an English farm labourer would do the work of two Russian labourers, the latter working sixteen hours, the former only ten.

The Russian peasant would thus appear to have only half the amount of physical strength enjoyed by an English labourer. Mr. Hagemeister gives the following reasons why the labour of a Russian husbandman is less productive than that of an agricultural labourer in Germany, France, or England:—

"Besides being less painstaking, less industrious, and less enlightened, the Russian workman is under the following disadvantages:—(1) Loss of at least thirty days per annum in village *fêtes* (besides Sundays); (2) field and farm work continued only seven months in the year, instead of ten months as in Western Europe; (3) the price of labour depends on a rise in the value of products, which value consists mostly of labour bestowed upon it; (4) bad roads keep down the price of heavy produce."

Where the peasantry have elected to remain as tenants, at a fixed rent payable in service, the Emancipation Act permits the lord of the manor to demand twelve hours' work per diem in summer and nine hours' in winter, not inclusive of any rest which the peasant man or woman may take during the day. The labourers are not entitled to any deduction of time for going to their work, unless it be at a distance of more than four miles from their village, when half an hour is deducted for each additional verst (two-thirds of a mile).

16. Daily labour is only engaged at harvest time, when its price throughout Russia rises considerably above the average.

At that period its price differs in the several provinces, according to the abundance or scarcity of crops. Thus, in 1869, the cost of gathering in the harvest in some districts of Samara, was only about 2*s.* 10*d.* per acre,‡ whereas, even at an expenditure of about 25*s.* per acre in 1868, a considerable per centage of the rich harvest was left uncut. The average cost of harvesting wheat in that fertile but little populated province may be taken at 10 roubles per dessiatina (9*s.* 6*d.* per acre). In the Province of Simbirsk the cost of reaping in 1868 was as follows:—Rye, 2*s.* 10*d.* to 4*s.* 10*d.* per acre,§ without food; oats, 2*s.* 4*d.* to 2*s.* 10*d.* per acre,‖ without food.

A day labourer's wages range between 25 copecks and 50 copecks (8*d.* and 1*s.* 4*d.*) in summer, with food, the cost of which is between 2*d.* and 3*d.* per diem. The average price of female day labour in weeding, hay-making, &c., is about 20 copecks (6½*d.*), with the addition of food.

Labourers at harvest time, when not hired for piece-work—viz., to receive a certain

* It has already been stated, that in some of the industrial provinces the villages and farms are entirely in the hands of women.

† Labourers on well-managed estates work from 4 A.M. to 9 P.M., with 3 hours' rest during the hottest part of the day.

‡ 3 roubles per dessiatina.

§ 3 roubles to 5 roubles per dessiatina. In Kharkof and Tambov the cost per dessiatina is sometimes only 2 roubles, or 1*s.* 10*d.* per acre.

‖ 2 roubles 50 copecks to 3 roubles per dessiatina.

price per acre, can command the followign scale of wages :—Male labourer, 1*s.* 4*d.* to 2*s.* 8*d.* per diem, with food; female labourer, 9½*d.* to 2*s.* 8*d.* per diem, with food.

The wages of the labourers engaged for the summer, from 25th March to 15th November (o.s.), or by the month, with food, are as follows :—Male labour for the summer 30 roubles (4*l.*) to 60 roubles (8*l.*), or average 6*l.*; by the month, 5½ roubles to 9 roubles (14*s.* 8*d.* to 1*l.* 4*s.*) in summer, or 2 roubles to 4 roubles (5*s.* 4*d.* to 10*s.* 8*d.*) in winter. Female labour for the summer 15 roubles to 20 roubles (2*l.* to 2*l.* 15*s.*).

Herdsmen receivè about 60 roubles (8*l.*) for the summer months, and shepherd boys about 4*l.*

The average daily wages of the agricultural labourer in Russia may therefore be stated as follows :—Labourer by the day 1*s.* (37½ copecks) per diem; by the month 7½*d.* (23 copecks) per diem; by the season 5½*d.* (17 copecks) per diem; at harvest time 2*s.* (75 copecks) per diem.

At St. Petersburgh the average rate of ordinary labour is 60 copecks (1*s.* 7*d.*) in winter, and 70 copecks (1*s.* 10*s.*) in summer, and the average pay of "navvies" is 80 copecks (2*s.* 1*d.*) in summer, and from 50 to 60 copecks (1*s.* 4*d.* to 1*s.* 7*d.*) in winter.

In a work in the Russian language, recently published, on "The Condition of the Labouring Classes in Russia,"* the following very serious considerations occur :—

"When travelling in Russia I have often been struck by the strange uniformity in the rates of wages in localities differing widely from each other in productiveness, population, and consequently in the price of corn, which constantly varies, while the wages of the husbandman remains the same. The bootmaker's or tailor's apprentice earns about 6 roubles (16*s.*) in the Provinces of Astrakhan, Vologda, and Tomsk. Both in Tver and at Tomsk the piece-work price of making boots is 1 rouble 30 copecks (3*s.* 5½*d.*). 5 roubles a month (13*s.* 4*d.*) is the uniform wage of a post-boy, whether in the black soil, the industrial, or unpopulated districts of Russia. . . . . The men that bring the produce of the upper course of the Oka in barges to Kaluga or Kolomna, generally receive 4 roubles for the voyage (10*s.* 8*d.*). Women who assist in floating barges down the rivers from the Province of Vologda to Nijni-Novgorod, receive 2 roubles 50 copecks 6*s.* 8*d.*). Both men and women work until they become exhausted, and return back to their villages on foot. Their master (the contractor), who is bound to support them until they return, hastens as much as possible their homeward tramp, in order to save expense, compelling them to walk 80 versts (55 miles) a day along village roads and by-ways. They will sometimes have to wade for 20 miles through water and mud up to their knees. Such is a specimen of the work of a labourer who is accused of idleness!

"What means this fact, that the labourer toils for a uniform wage, under such different conditions of life? We need not hesitate in proclaiming the cause :—he toils and exhausts his strength, not in order to attain a condition of welfare, or to provide for his family—not in order to increase his comforts or enjoyments, but solely and exclusively in order that he should be able to pay the rents and imposts, which, being almost uniform over the whole of Russia, have produced such an extraordinary uniformity in the price of labour.

"His own welfare remains meanwhile in the very background of his aspirations. He is ready to carry any burden, to suffer anything, to impose any privations on his family, provided his principal object be attained, which is, to obtain means of paying his quit-rent and taxes. For that purpose he will not unfrequently send his young daughter alone to float timber down the rivers. Bending under the weight of labour unfitted for her age or sex, the unhappy creature becomes the object of every possible ill-usage. Without sufficient experience or force of will, compelled to spend days and nights amidst dissolute men, she falls an unwilling victim to their criminal attempts. . . .

"In the great majority of cases, the labourer is so poor, miserable and debased, that he cannot afford to think of respectability or of protecting his daughter from situations in which she must, voluntarily or involuntarily, be drawn into a course of immorality. His principal care is to place her in a situation in which she can earn a little money."

The same author continues: "At last the happy time approaches when, by hard work, the peasant can earn 30 or 40 copecks a-day (9½*d.* to 1*s.* 1*d.*) He contracts to cut the neighbouring lord's corn at the price of 2*s.* 10*d.* an acre, which falls to 1*s.* 10*d.* an acre before the harvest is completed. He cuts acre after acre, taking no time for rest, until his condition becomes one of utter prostration. And now his own corn begins to need the reaping-hook; but he has not yet earned, by a good deal, the sum that will pay the quit-rent and taxes that have fallen due.

* "The Condition of the Labouring Classes in Russia," by Mr. Flerofski. St. Petersburgh, 1869.

"He puts off his own harvesting from day to day, until he can put it off no longer. At last he begins; but lo! he finds that neither he nor his family can work. Their hands are swollen from excessive labour; their fingers will not bend without pain, and illness succeeds exhaustion. The corn ripens every hour; to leave it uncut is to condemn himself to carry a beggar's wallet, or to perish of want and hunger. No illness or prostration can interfere with the work in the face of such terrible necessities, but, however great may be the energy of despair, it has limits. The work proceeds slowly; the over-ripe corn strews the ground, and the crop, light from want of manure, becomes lighter still before it reaches the barn. In the ultimate result, it is difficult to decide whether those gigantic efforts have done the labourer good or harm, for his family have not only remained beggars, but also beggars exhausted in strength and ill in body. All these pictures of suffering pass painfully before me, and they are so numerous that I know not how to grasp them. Here is a priest, who has taken out of the hut of the sick peasant, to whom he has just administered the Holy Communion, the last loaf of ill-baked bread, provoking, thereby, an outburst of indignation on the part of the whole village! Along that road walks a peasant's family in sorrowful procession, shedding bitter tears. Is it a funeral? No, it is only the last calf being led for sale, with the aid of the local authorities! It is necessary to levy rents with strictness, for are not the proprietors already ruined? And, indeed, were it not for the deep impression thus made on the peasant, did he not know that his last food-giving beast will be taken from him, his last pot of milk carried out of his hut, although wanted for his new-born child which will perish without it, the landed proprietors would not collect the tenth part of their rents."

17. Emigration is prohibited by law; and migrationis almost equally impossible, it being the policy of the Government to prevent the peasant from quitting the land on which he is at present settled.

After the 19th February, 1870, however, when the peasants who shall not have purchased their land allotments are nominally free to migrate, a certain gradual displacement of the population may be expected in those provinces where the land is comparatively unproductive, or where its value has been fixed too high under the Emancipation Act.

The tendency of the free peasant, if unchecked by administrative measures, will be to migrate towards the rich lands of the Volga basin, where hundreds of thousands of acres remain untilled for want of hands.

18. Except in the South of Russia, where detached homesteads are common, the Russian peasant-proprietors live in villages, in the midst of the lands which they purchase or lease.

The thinness of the population, the great extent of forests tenanted by wolves and bears, and the rigour of the climate, have hitherto compelled the peasantry to live together in large communities. As the population, however, increases, and the communal lands become insufficient for building purposes, the peasantry will be driven to establish themselves on lands which they will have to purchase or lease outside their communal allotment, but which will always be in proximity to their villages.

19. Like most of the queries that have preceded, the present question can only be answered without reference to the precise system of land tenure,* for, whether the Russian peasant be a small proprietor *de facto* or simply *de jure*, whether he be a tenant or hold no land at all, his general circumstances are as yet very much on the level which they had attained during the existence of serfage.

It can only be to some extent a matter of dispute whether the Russian husbandman, generally, was any better housed, fed, and clad as a serf, than he is now, as a man endowed with certain civil rights.

The Russian Democrats and Conservatives affirm that, in general, the circumstances of the peasantry have not improved; but the Liberal bureaucracy and the talented political economist and academician † whose statements occupy so prominent a position in Part I of this Report, are of opinion that an improvement has undoubtedly taken place, although not quite to the extent desired.

There are many reasons why the alleged improvement should be made the subject of doubt and denial. There is, in the first place, no single fact from which deductions applicable to the whole of Russia may be drawn.

The Conservative will speak of the barren, populous districts of Central or Northern Russia, while the Liberal official will point to the rich corn-fields and neat homesteads of Little Russia.

* It has been shown in the body of this Report that the Russian peasantry are as firmly as ever attached to the soil.

† Mr. Bezobrazoff.

Secondly, the very symptoms of improvement, as alleged on the one side, are differently interpreted by the other. A greater expenditure on dress, which is undoubtedly a symptom of the times, is held by one class of writers to be the proof of a reckless want of foresight,—of a tendency to dissipate the hoarded treasures of previous generations; whereas, by another set of politicians, it is regarded as the undisputable evidence of increasing contentment and riches.

It is naturally impossible to ascertain how much of the increasing expenditure of the peasantry on market days, at fairs, and in towns is made from previously accumulated and concealed wealth; but the arguments would certainly appear to be on the side of those who hold that, although more heavily taxed than formerly, and dependent entirely on their own exertions, the peasantry now supply themselves generally with better clothes, and, in a few favoured districts, with more nutritious food.

In considering the general circumstances of the Russian peasant, it is necessary to bear in mind the condition in which the Emancipation Act found him.

While it had always been the interest of the proprietor to keep the serf in good working order, to take from him only as much as would still leave him a tolerably productive machine, it was, at the same time, the interest of the serf to suppress the outward signs of any increasing prosperity. Having no civil rights, he was, in reality, only master of what he concealed in the earth or hid in his clothes-chest.

Under such circumstances, improvement in material condition and refinement in mode of life were almost impossible. Except in the vicinity of towns, railways, and navigable rivers, the interior of a peasant's hut, his dress, food, and habits, were subjected to very little change between the date of his enslavement and that of his liberation.

Throughout the whole of Great Russia, the dwellings of the peasantry are, therefore, still mere log-huts, frequently without chimneys,* and uniformly containing only one room, which is the common dormitory.

The division of families, which may justly be considered as one of the healthiest effects of emancipation, has not conduced to the improvement of peasant dwellings. On the contrary, the huts built by the seceding members of a large family, or after one of the fires that occur so frequently in Russian villages,† are noticeably smaller than the old patriarchial dwellings.

The rigour of the climate renders these habitations miserable in the extreme. Swarming with vermin, when not filled with smoke, and without ventilation, the hut is generally in winter the refuge of the sow and her farrows, of the lamb and the weakly sheep, as well as of men, women, and children. It contains no furniture beyond a deal table and a bench against each wall. Pillows, and sometimes felt, constitute the only bedding, the place of which is supplied by the sheepskin, that seldom leaves the peasant men and women of Russia. Their domestic utensils consist of a few pots of burnt clay or cast iron, the "samovar," or tea-urn, being only found in the hut of the well-to-do peasant. An earthenware cup and saucer, or a glass tumbler, are among the articles which the peasant deposits in a small cupboard below the images of saints.

There is no garden to this log-hut;—the heavily-worked peasant woman can scarcely find time to attend to the plot of flax which belongs to her, individually, and on which the family depends for the more necessary articles of clothing.

Such were the huts of the Russian peasantry before their emancipation, and such they still are throughout the greater part of Russia,‡ after nine years of personal freedom and fixity of territorial tenure. Any great material improvement of the peasant dwellings can only follow on education and enlightenment, for it is the tendency of the half-civilized peasant to expend his superfluous money on articles of personal adornment, rather than on those of mere comfort, of which he has, in reality, no understanding.

Thus, while little or nothing is done to render the cottages better fitted for human habitation, the peasant women spend more and more of their husbands' earnings in gay clothes.

"The Russian peasant," says the author of "The Condition of the Labouring Classes in Russia," is so poor, so hampered, hunted down, and miserable, "that he cannot make any material improvement in his dress or dwelling. The necessity of

* Cottages without chimneys are in some localities preferred by the peasantry, as the dense smoke with which they are daily filled destroys the insect life that teems in cottages where the smoke escapes by a chimney. The average size of a peasant's hut is 28 feet square (4 Russian fathoms).

† From an interesting work on "The Fires in Russia," by Mr. Wilson, of the Imperial Statistical Committee, it appears that the average yearly number of fires in the rural districts of Russia between 1860 and 1864 was 10,556; the average yearly losses, 20,000,000 roubles, and the number of houses destroyed in each year, 53,166.

‡ There are, of course, exceptions. Some villages have been entirely rebuilt in brick, while, in others, the brick cottages have been pulled down and replaced by log-huts, which are supposed to be warmer.

making such improvements is felt, but the means are wanting. The peasant is ashamed to dress badly—to live in a vile hut; but he is not able to increase his comforts materially. He learns to live for show. In anything that will bear concealment he submits to the greatest privations. His family may be starving, his children dying; but his daughter will have a silk gown, and his hut will be outwardly adorned with carved wood."

In villages on the Volga, where peasant families share the same roof with domestic fowls and animals, and burn wood laths* instead of tallow candles or oil, the women attire themselves on holy days in crinolines and silk damask dresses and jackets,† while the men cover their unsightly skeepskins with good broadcloth.

On rising, the Russian peasant will eat a hunch of black rye bread and a bowl of milk or curds; but his principal meal at noon consists generally of cabbage or mushroom soup, of which meat is but seldom the basis, of baked buckwheat eaten with milk, oil, or butter, according to themeans of the family, and of an unlimited quantity of rye bread.‡

Potatoes are not a staple of food, except in the vicinity of the capitals, or in the neighbourhood of German colonists, who have taught the Russian peasantry around them to overcome their prejudices against the cultivation of the "devil's apple," the introduction of which at the commencement of the present century led to serious agrarian riots in the provinces of the Volga basin.

The drink is mostly water; a liquor made of fermented rye, and small table-beer, being only found on holy days in the houses of the richer peasantry, and principally in the Northern and industrial provinces.

Spirits are not consumed at meals, but only on occasions when the peasant's object is to get merry and drunk. These occasions present themselves on holy days, of which there are 115 during the year. A great part of the year is thus spent in drunkenness.

The bowl of soup, the pot of buckwheat, and the loaf of rye bread are placed again on the table at supper, after which the family retire to the stove and benches for rest.

It is not, perhaps, so much poverty as the discipline of the Russo-Greek Church that compels theRussian peasant to take but little nourishing food. For about 210 days§ in the year he is not allowed to eat meat, and, although sick persons, and women for a short time after their confinement can obtain dispensation to break their fast, they seldom avail themselves of it, clinging superstitiously to the severest forms of fasting, and that in a climate which requires a more than average consumption of animal food.

The loafs of rye bread, it is true, but seldom fails the Russian peasant family, except in years of famine or exceptional distress; but at least half the infant mortality in the agricultural districts is referable to the inability, of mothers to suckle their own children from want of proper nourishment.‖

The mortality of the peasantry from this cause will be considered under the next question, and it may be interesting to insert here, for the purpose of comparison with other countries, a scale and estimate of the diet of Russian agricultural labourers on a large scale, under liberal management:—

Description of Victuals.	Annual Consumption per Man.¶		Cost of Victuals.		
	Russian Weights and Measures.	English Equivalent.	Rs. c.	£ s. d.	
Flour, rye	12 pds. 19⅞ lbs.	451 lbs.	7 12½	0 19	0
„ wheat	11 „	421 „	9 96½	1 6	7
Grits (buckwheat, &c.)	8 chetveriks.	5¾ bushels.	1 80	0 4	9½
Peas	34⅜ lbs.	30¾ lbs.	0 42	0 1	1¾
Oil and butter	19½ „	17½ „	1 70½	0 4	6
Salt	36¼ „	32½ „	0 52	0 1	4¾
Meat	3 pds. 9⅞ lbs.	117 „	4 93	0 13	2
Fish and cabbage	1½ lbs.	1¼ „	0 30	0 0	9½
Total cost per annum	.. .. ..	.. .. ..	26 76½	3 11	4½

* A large proportion of the fires in villages is probably caused by the careless use of these laths, of which the sparks and ashes are allowed to fall freely on the wooden floor of the log-hut.

† When a peasant marriage is being arranged, the bridegroom's friends endeavour, first of all, to ascertain whether the bride can bring a silk dress or a jacket trimmed with fur.

‡ Except in the case of a bad harvest, when the supply of bread becomes very limited towards the end of the long winter. In the wheat-growing districts of Russia the bread is of wheat.

§ This is not inclusive of self-imposed fasts. Women frequently abstain from animal food on three days in the week, the men keeping only two fast days. A peasant would not consider his confession complete, if the priest failed to ask whether he had rigidly observed each fast.

‖ *Vide* next query.

¶ Calculated on an average of 60 labourers per month.

This estimate, which is extracted from actual account books, shows that, under favourable circumstances, the Russian peasant will get about 12 oz. of meat (principally in soup) on 155 days in the year,* and 2 lbs. 6 oz. of bread and flour, besides buckwheat, peas, &c., at a cost of $2\frac{1}{3}d.$ per diem.

While the quantity of flour consumed by these agricultural labourers may be taken as the average consumption of corn per head in the village (with the difference, however, that the proportion of wheat will be smaller by two-thirds, taking all the provinces of Russia together), the quantity of meat will average in the same districts only one-half the quantity shown in the estimate.

Peasants who engage labour, also reckon the expense of feeding a man at about 2*d.* per diem. In the capitals the cost of feeding servants is reckoned at about 20 copecks (6*d.*) per diem.†

One of the greatest inducements to the peasantry in the less-favoured provinces of Russia to seek work in towns or on railways is a prospect of obtaining a sufficiency of food.‡ For the first month after joining a contractor's gang or "artel," the labourer literally gorges himself with food, and the contractor provides for such voracity, knowing that the quality of the labourer's work will depend upon his acquiring the physical power which he seldom brings with him from the village.

This sketch of the circumstances of the peasantry, painful as it may seem in many particulars, is applicable to three-fourths of the peasantry of Great Russia, fixed to the land as freeholders or perpetual tenants.

The small proprietors and tenants of Little Russia and New Russia, and the peasantry of the extreme north of Russia, as well as partly those of the industrial provinces, are very differently situated. The peasantry of Little Russia and New Russia have the advantage of a better climate, and they have no communal system to deaden their natural energies.

Proximity, likewise, to the earlier civilization of Poland must have been instrumental in producing the favourable difference which is so palpable in the condition of the population of the Southern Provinces of Russia.

The following estimates of the average income and expenditure of a Russian peasant family, prepared by competent persons in the provinces to which the estimates refer, will perhaps render more distinct the answer to the present query. They show that very generally the Russian peasant proprietor or perpetual tenant cannot make sufficient out of his land to defray the expenditure of the household, the rent, taxes, &c., for which he is liable in ready money. This compels him to seek "zarabothi" or "extraneous earnings," by working for neighbouring proprietors, carting, labouring in towns, trading, &c. Were it not perhaps for this necessity, the long months of winter, during which no farm work can be done, would be passed in idleness and vice.

Estimates of the Average Income and Expenditure of a Peasant Family, consisting of three men,§ three women, and three or four children, holding allotments mortgaged to the State, severally in the Provinces of Novgorod, Simbirsk, and Samara.

(A.)—*Peasant Family in the Province of Novgorod.*

The allotment per male ($5\frac{1}{2}$ dessiatinas) will give a total allotment of $16\frac{1}{2}$ dessiatinas, or 47 acres, of which only about 21 acres ($7\frac{1}{2}$ dessiatinas) will be tillage land and the remainder grazing or meadow land, and occupied by the homestead, &c.

The tillage land will be divided as follows:—1st field (7 acres), sown with rye; 2nd field ($5\frac{3}{4}$ acres), sown with oats, and ($1\frac{1}{4}$ acres) with barley, peas and flax; 3rd field (7 acres), fallow.

The pasturage and meadow lands will be 20 acres, or 7 dessiatinas. If the whole of the 20 acres were meadow land, the crop of hay would be at the rate of about 10 cwt. per acre (100 poods per dessiatina), while on inferior land, or on a hill side, &c., the crop would be only 5 cwt. per acre (50 poods per dessiatina). Taking half of each, the

* In the villages the peasantry seldom eat meat in summer, and in the winter they can only make use of animal food during 47 days, when their consumption will average about 12 oz. per diem.

† A Bohemian authority on agricultural matters in Russia, quoted in the Russian work on "The Condition of the Labouring Classes," states that no man out of Russia could possibly live on the food of a Russian peasant, even in the Black Soil Provinces.

‡ They often come into the towns to be fed up—"otkorm levatsa."

§ Father and son, or two brothers and a third young man.

average crop of hay would be at the rate of 75 poods per dessiatina, or about 8 cwt per acre.

The family and cattle would, during the year, consume the following quantities :—

(1.) Rye.—The family will require 80¾ bushels, at the rate of about 11½ bushels each,* counting the children as one grown up person.

(2.) Oats.—Two horses will consume 20 bushels, as they would only get oats on rare occasions.

(3.) The barley and peas would be consumed at home, and the flax spun for home use.

(4.) Hay.—If the family keep 2 horses, 3 cows, and 4 sheep or goats, the annual consumption of hay would be 440 poods, or 7 tons (100 poods for 2 horses, 300 poods for 3 cows, and 40 poods for the sheep).

Recapitulation.

Description of Crops.	Acres under Cultivation.	Yield.	Consumption.	Retained for Seed.	Left for Sale.		
					Quantity.	Value.	
						Rate.	Total.
		Bushels.	Bushels.	Bushels.	Bushels.	Per Bushel. s. d.	£ s. d.
Rye	7	95 †	80¾	14¼	..	..	..
Oats	5¾	69¼ ‡	20	11½ §	37¾	1 10 ‖	3 9 0
Barley, peas, flax (consumed at home)	1¼	..	..	..	..	..	..
		Tons.	Tons.		Tons.	Per Ton.	
Hay	20	8	7	..	5	16 10 ¶	4 4 2
Total realized value of crops	..	..	..	..	..	..	7 13 2 or Rs. c. 47 45

On the other hand, the minimum expenditure of the same family would be as follows :—

	Rs. c.	£ s. d.
1. Redemption Payments. The debt on the land would be 360 roubles,* or 80 per cent. of the capitalized value of the quit-rent, at the rate of 9 roubles per male. At the rate of 6 per cent. interest and sinking fund the annual Redemption Payment would be	21 60	= 2 17 8
2. Taxes—Imperial, provincial, and rural, at 3 roubles per male ..	9 0	1 4 0
3. Village priest	1 0	0 2 8
4. Repair and renewal of implements, carts, &c...	14 0	1 17 4
5. Additional food :—	Rs. c.	£ s. d.
Fish, 1 pood (36 lbs.) ..	1 50	= 0 4 0
Wheat, 1 sack	10 0	1 6 8
Buckwheat ½ chetvert (2·88 bushels)	8 0	1 1 4
Salt	3 0	0 8 0
	22 50	3 0 0
6. Dress, boots, &c., at least	20 0	2 13 4
Total minimum expenditure	88 10	11 15 0

Abstract.

	Rs. c.	£ s. d.
Minimum expenditure	88 10	11 15 0
Realized value of average crops	47 45	7 13 2
Deficit	40 65	4 1 10

* 2 chetverts each. † 16½ chetverts. ‡ 12 chetverts. § 2 chetverts.
‖ 4 roubles per chetvert. ¶ 10 copecks per pood.

** 48*l.*, but the gross valuation was 60*l.* This calculation assumes that the lord has insisted on the redemption. Otherwise (*i.e.*, had the peasants proposed to become purchasers) they would have been obliged to make good the 12*l.* (or 20 per cent.) in one payment, or in instalments over five to ten years. In the latter case the annual expenditure of the family would be increased by at least 1*l.*

The following is an estimate of the labour which the family (six persons) would employ in cultivating and managing their farm of 47 acres :—

	Days.
Ploughing and sowing 5 dessiatinas (14¼ acres)	15
Reaping 5 dessiatinas, 6 men to each dessiatina	30
Bringing the harvest home, 75 mows, at 5 mows a-day	15
Ploughing the fallow field	2½
Cutting and stacking the hay (20 acres)	42
	104½
Stacking wood for the winter, &c., and sundry jobs on the farm	95½
Total	200
Domestic work, thrashing, spinning, weaving, &c.	250
Additional work (to make up a round number of days)	140
Total labour	590
Holy days (100 at least during the year)—loss to 6 persons	600
Grand total	1,190
Days which the family can devote to extraneous work, for the purpose of making good the deficit on their farming operations	1,000
Total	2,190

Or, 6 persons × 365 days = 2,190 days.

(B.)—*Peasant Family in the Province of Simbirsk.*

The allotment per male of 4 dessiatinas (11·44 acres) will give a total allotment of 12 dessiatinas (or 34¼ acres), of which about 2 acres would be occupied by the farmsteading and grazing land (common), leaving about 32 acres for tillage.* These would be divided into three fields of about 10⅔ acres and be sown as follows :—

1st field (10⅔ acres), sown with rye; 2nd field, 5¾ acres sown with wheat, 2¾ acres millet, 2 acres oats, flax, &c.; 3rd field, fallow.

The yield of each crop would be as follows :—

(1.) Rye.—Average produce 70 poods per dessiatina, or 7¾ cwt. per acre. Total produce about 82 cwt.

(2.) Wheat.—Average produce 45 poods per dessiatina, or 5 cwt. per acre. Total produce 29 cwt.

(3.) Millet.—Average produce 80 poods per dessiatina, or about 9½ cwt. per acre. Total produce, 80 poods, about 25¾ cwt.

(4.) Oats, flax, &c., consumed at home.

RECAPITULATION.

Description of crop.	Acres under Cultivation.	Yield.	Consumption.	Retained for Seed.	Left for Sale.		
					Quantity.	Value.	
						Rate	Total.
		Cwt.	Cwt.	Cwt.	Cwt.	Per Cwt. s. d.	£ s. d.
Rye	10⅔	82	50†	9¾‡	22¼	3 9§	4 3 5
Wheat	5¾	29	3¾‖	6¶	19¼	5 0**	4 16 3
				lbs.			
Millet	2¾	25¾	13††	45‡‡	12	2 8½§§	1 11 8
Oats, flax, &c. (consumed at home)	2	..	..	..	..	..	..
Total realized value of crops	..	..	..	..	..	..	10 11 4 or Rs. c. 79 52

* The family would possess 4 horses, 2 cows, 2 calves, 2 heifers, 10 sheep, and 2 foals.

† 156 poods. ‡ 30 poods. § 45 copecks per pood. ‖ 12 poods. ¶ 18 poods.

** 60 copecks per pood. †† 41¾ poods. ‡‡ 1¼ poods. §§ 32½ copecks per pood.

On the other hand, the minimum expenditure of the same family would be as follows :—

	Rs. c.	Rs. c.	£ s. d.
1. Redemption Payments :—6 per cent. on 80 per cent. of capitalized quit-rent of three males	21 60		
Annual payment to lord of remaining 20 per cent. of above*	9 0		
		30 60	= 4 1 8
2. Taxes for three males :—			
(1.) Imperial poll-tax at 2 88 per male	8 64		
(2.) Provincial „ 0 24 „	0 72		
(3.) Cantonal „ 1 3 „	3 9		
(4.) Rural „ 0 90 „	2 70		
		15 15	2 0 5
3. Priest		0 30	0 0 9½
4. Repair and renewal of implements,—blacksmith ..		17 0	2 5 4
5. Salt		3 0	0 8 0
6. Dress, boots, &c..		20 0	2 13 4
7. Wages of shepherd, family's share of		3 73	0 9 11
8. Rent of pasture		3 66	0 9 8½
9. Rent of meadows		4 0	0 10 8
Total minimum expenditure		97 44	12 19 10

Abstract.

Minimum expenditure	97 44	12 19 10
Realized value of average crops	79 52	10 11 4
Deficit	17 92	2 8 6

In the Province of Simbirsk this deficit will be made good by extraneous earnings and jobs, such as carting, transporting merchants' goods, working for landed proprietors, leasing land, rearing cattle, and reaping in the steppes (for which the payment is sometimes 23*s.* 4*d.* per acre).

The following is an inventory and estimate of the agricultural "plant" of the above family :—

Inventory and Estimate of the Agricultural "Plant" of a Peasant Family, consisting of three Male Labourers, in the Province of Simbirsk.

	Value.		
	Rs. c.	£ s. d.	
3 Ploughs, Russian (*arère*), at 3½ roubles (made principally at home)	10 50	= 1 8 0	
4 Harrows with iron spikes, at 2 roubles	8 0	1 1 4	
2 Carts, average value 5 roubles	10 0	1 6 8	
2 Sets of harness	12 0	1 12 0	
3 Scythes (will last two or three years), Austrian, at 1 rouble ..	3 0	0 8 0	
4 Reaping-hooks, German, with English mark, at 30 copecks ..	1 20	0 3 2	
2 Axes, at 75 copecks	1 50	0 4 0	
3 Spades, wooden, at 6 copecks	0 18	0 0 6	
2 „ tipped with iron, at 20 copecks	0 40	0 1 1	
2 Baskets for sowing, at 10 copecks	0 20	0 0 6	
Total ..	46 98	6 5 3	

The value of their cottage would be about 150 roubles (20*l.*), with an addition of 50 roubles (6*l.* 13*s.*) for barns, &c.

(C.)—*Peasant Family in the Province of Samara.*

The allotment per male (5 dessiatinas) will give a total allotment of 15 dessiatinas, or nearly 43 acres, of which 2½ dessiatinas would be occupied by the cottage, buildings, and common, leaving 13 dessiatinas (34½ acres) for tillage.† These would be divided into three fields, of about 4 dessiatinas (11½ acres), and be sown as follows :—

1st field (11½ acres), rye; 2nd field, 8½ acres under wheat, 2¾ acres oats, and 1½ acres millet and buckwheat; 3rd field (about 10¼ acres), fallow.

* In the case of this family it is assumed that they have been anxious to purchase their allotments, and have agreed to pay the 20 per cent of the capitalized value to the lord in ten yearly instalments of 9 roubles (24*s.*)

† The stock of cattle would be composed of 4 horses, 2 foals, 2 dairy cows, 2 heifers, 2 calves, and 10 sheep

The yield of each crop, during an average season, would be as follows:—

(1.) Rye.—70 poods per dessiatina (7¾ cwt. per acre). Total produce, 280 poods (90 cwt.)

(2.) Wheat.—60 poods per dessiatina* (about 6¾ cwt. per acre). Total produce, 180 poods (58 cwt.)

(3.) Oats.—80 poods per dessiatina (9½ cwt. per acre). Total produce, 25¾ cwt.

(4.) Millet and buckwheat.—100 poods per dessiatina (about 12 cwt. per acre). Total produce, 18 cwt. consumed by the family.

Recapitulation.

Description of Crop.	Acres under Cultivation.	Yield.	Consumption.	Retained for Seed.	Left for Sale.		
					Quantity.	Value.	
						Rate.	Total.
		Cwt.	Cwt.	Cwt.	Cwt.	Per Cwt. s. d.	£ s. d.
Rye	11½	90	38†	15½‡	36½	2 1§	3 16 0
Wheat	8½	58	29‖	8¾¶	20¼	5 0**	5 1 3
Oats	2¾	25¾	9¾††	2½‡‡	13½	1 8§§	1 2 6
Millet and buckwheat ..	1½	18	16¼	1¾	..	..	..
Total realized value of crops	..	..	..	..	..	..	9 19 9 or Rs. c. 74 90

On the other hand, the minimum expenditure of the same family would be as follows:—

	Rs.	c.	£	s.	d.
1. Quit-rent, assuming that the peasants are only "perpetual tenants," at 9 roubles each	27	0	= 3	12	0
2. Taxes for three males:—	Rs.	c.			
(1.) Imperial poll-tax	3	0			
(2.) Provincial tax	1	5			
(3.) Cantonal and rural tax	2	0			
	6	5	0	16	1
3. Priest	2	0	0	5	4
4. Repair and renewal of implements, &c.	15	0	2	0	0
5. Salt, 20 lbs. for each grown-up person, or 5 poods at 50 copecks (4s. 2d. per cwt.)	2	50	0	6	8
6. Dress, boots, &c.	20	0	2	13	4
7. Shepherd and grazing	4	0	0	10	8
8. Rent of meadows for grass	4	0	0	10	8
Total minimum expenditure	80	55	10	14	9

Abstract.

Total minimum expenditure	80	55	10	14	9
Realized value of average crops	74	90	9	19	9
Deficit	5	65	0	15	0

The author of the work on "The Condition of the Labouring Classes in Russia," already quoted, draws the following vivid sketch of the circumstances of a peasant proprietor, or tenant, in the Black Soil Country:—

"Let us travel to the vast and isolated region of the North-East of Russia, far away from the main arteries of communication, and see what is taking place there. We shall find a young peasant, just married, commencing life on his own account. His father and mother, still capable of work, and his brother, 16 years old, live with him. They keep 2 horses and a foal, 3 head of horned cattle and 8 sheep, and they produce

* In a bad year the yield will not be more than 20 poods per dessiatina. No manure would be used in raising these crops.

† 118 poods, including 25 poods for horses. ‡ 48 poods.

§ 25 copecks per pood. The average price of rye grown on the lords' land would be 40 copecks per pood.

‖ 90 poods. ¶ 27 poods. ** 60 copecks per pood. †† 30 poods.

‡‡ 7½ poods. §§ 20 copecks per pood.

yearly 180 poods (58 cwt.) of corn, 2 poods (72 lbs.) of butter, and 10 poods (361 lbs.) of meat and tallow. Their rents and taxes amount to 23 roubles (3*l.* 1*s.* 4*d.*). In order to pay that amount they will sell 1 pood (36 lbs.) of butter, 5 poods (180 lbs.) of meat and tallow, and 16 poods (5 cwt.) of corn; leaving 49 poods (15¼ cwt.) of their rye, wheat, &c., for seed. This will leave them 92 poods of corn (about 30 cwt., at the rate of about 24 oz. per diem of bread for each person) for their own consumption, and 23 poods (8 cwt.) of oats, &c., for their cattle. They will also be able to eat almost 1 lb. (12 oz.) of meat each on the 47 days in winter, during which they are permitted to make use of animal food. In the eyes of a European this will seem scanty fare, but the agriculturists of Samara will consider it very good.

"But now comes a change in the circumstances of the peasant. Eight years have elapsed and the peasant has three children; his father and mother, and particularly the latter, have become old; the brother has been draughted into the army. The family produces only 90 poods (29 cwt.) of corn; the rent and taxes amount to 30 roubles (4*l.*), and the yearly consumption of corn by the family alone will be at least 125 poods (40 cwt.). The cattle will also require some corn. And thus, in order to live as they had formerly lived, they should produce a value of 104 roubles (13*l.* 17*s.*), but they have only been able to realise 58 roubles 80 copecks (7*l.* 16*s.* 10*d.*) for their crops. Their food begins to get scantier and scantier, and towards spring they get more and more famished. The members of the family, unaccustomed to such privations, and especially the wife, who has retained some little influence over her husband, reproach the master of the house daily and ask for more food. The latter cannot withstand the appeal, and begins to pay his rent and taxes less regularly. The officer of Government comes and energetically demands the payment of arrears. Driven to desperation, the peasant acknowledges to the mayor of the village the cause of his want of punctuality, viz., the persistent demands made upon him by his family, and particularly by his wife. 'Give her a good thrashing,' is the advice of the mayor. The 'moujik' goes home, ties his wife by her hair to the tail of a cart, and flogs her unmercifully with a whip. At a convenient opportunity he will give his mother a knock or two on the head with a log of wood, and will give his father a good fright with anything that may come to hand. After this no one dares to annoy him. He has now enough to eat; he pays his rent and taxes with punctuality, and answers any complaint of unsatisfied wants by the infliction of blows, and, if any member of the family should die from privation, his death is attributed to fate. The 'moujik' becomes a zealous supporter of domestic despotism and harshness. Cynicism and a coarse egotism become the prevailing features of his actions, from his pastimes and fun to the most serious acts of his life. Under the influence of the constant complaints of the women against the harsh treatment which they receive, the young peasant seldom begins with despotism and harshness, and will never attempt to beat his father and mother before the age of thirty-five. As soon as he emerges from boyhood, he attends the evening gatherings of the girls of the village, whom he courts, and who, in their turn, inspire him with the best intentions, and teach him that it is wrong to use violence. The force of circumstances, however, finally compel him to succumb to the principles which are the source of all his trouble. But he does not allow his evil feelings to triumph before he has himself become the victim of harshness. Coarseness and ignorance are as prevalent in the higher as in the lower strata of society. In the poorer and thinly populated villages that harshness assumes a character of implacable austerity. The years pass gloomily, with few opportunities for diversion, producing no deep impressions. The life of the peasant drags on with an oppressive uniformity, amidst the care of earning his daily bread.

"But, if we pass from the village which we have just described to another that is marked by a higher degree of civilization, we shall frequently have cause to doubt whether the condition of the second village is preferable to that of the first. The chief features of such a village are fewer thrashings, a more perceptible tendency to personal adornment on the part of the women, a larger number of bachelors, and the existence even of old maids.* In such villages *fêtes* are held each Sunday, and all the village games, accompanied by much kissing, terminate in the coarsest sensuality. Immorality prevails, followed by infanticide.

"In such villages we shall find women ruling their husbands, and even living apart from them. Although of little comfort, this metamorphosis of village life in Russia is so progressive that, since the abolition of serfage, the villages of harsh type are quickly disappearing."

20. The answers to these questions will, as in the case of the preceding queries, embrace the whole of the agricultural population of Russia, the distinctions between

* In the sense only of unmarried women.

proprietorship and tenancy being too minute to have as yet produced any perceptible effect on the circumstances of the peasantry.

The density of the general population of Russia in Europe is about 646 inhabitants to the square geographical mile, distributed very unequally over an area of about 87,000 square geographical miles. Thus, in the Province of Archangel, the population per geographical square mile is only 17; while in that of Moscow, the density attains its maximum in the rate of 2,911 inhabitants to the square geographical mile. Out of fifty-one provinces, twenty, embracing an area of about 65,000 square geographical miles, have a population under 1,000 inhabitants to the square mile, or an average of about 470 males and females to the square geographical mile.*

Less than 10 per cent. of the population of Russia in Europe dwell in towns, of which there are 900,—

64 with a population of more than	..	..	..	..	..	20,000
„	„	..	..	..	..	30,000
5	„	„	..	..	..	100,000

More than half the towns in European Russia have only 5,000 inhabitants, and there are many with a population of less than 1,000 of both sexes.

The proportion of the urban to the agricultural population may roughly be taken at 1 to 10,† and the agricultural wealth of the country exceeds several times that of the towns. Some towns have a yearly income of only 250 roubles (33*l.*), while the revenues of the majority do not exceed 5,000 roubles (666*l.*).

A considerable number of the towns are, indeed, mere agricultural settlements or organized villages, and at least 20 per cent. of the total urban population belong to the peasant class.

The peasant proprietors are fixed to lands which give an area of $1\frac{1}{2}$ dessiatinas ($4\frac{1}{3}$ acres) to each man, woman, and child; but the lands held nominally in freehold by the ex-peasants of the Crown give $3\frac{1}{2}$ dessiatinas ($9\frac{1}{2}$ acres) to each, thereby raising the average area of land to about $2\frac{1}{2}$ dessiatinas (7 acres) to each head of an agricultural population of about 33,000,000 of both sexes.‡

Being less than 10 per cent. of the total population, the inhabitants of towns exercise but little influence on the general official returns of mortality in Russia, which show one death to twenty-six§ of the population.

In some provinces the mortality in the rural districts exceeds that of the towns; but, taking the whole of Russia Proper in Europe, the yearly diminution of the agricultural population may be taken at the same yearly average, which is the most unfavourable of any country in Europe.‖

At the same time, the mortality is, in reality, considerably greater than official statements would make it appear, for it is notorious that nearly all the children who die before they are baptized, and a great number of stillborn children, are never registered at all.¶

It is a most serious feature of this excessive mortality that a great proportion of the registered children in Russia die before they attain the age of five years, as shown by the following statement:—

Countries.	Number of Males living.					
	Total.	Age.				
		1 Year.	2 Years.	3 Years.	4 Years.	5 Years.
Russia, according to C. Herman, 1819	1,000	..	..	..	..	555
„ „ H. Zernof, 1843	1,000	..	..	..	..	459
„ „ Mr. Brun, 1845	1,000	681	566	509	418	460
„ „ W. Buniakowski, 1865** ..	1,000	735	677	638	610	593
Great Britain „ Dr. Farr	1,000	854	801	774	755	742
Belgium „ Mr. Quetelet	1,000	851	794	764	744	730
France „ Mr. F. de Montférand ..	1,000	824	770	741	722	707

* In the Kingdom of Poland the density of population is 2,055 to the square mile, but in the Grand Duchy of Finland only 239.

† In France and Prussia the proportion is 1 to 3. In Great Britain the inhabitants of towns are three times as numerous as the agricultural population.

‡ This includes only the peasants who are "redeeming" their allotments and the ex-peasantry of the Crown.

§ "Aperçu Statistique des Forces Productives de la Russie." A. Von Buschen, 1867.

‖ "Il est peut être possible de mésurer par le chiffre de sa mortalité les progrès d'un peuple dans l'ordre des intérêts moraux et matériels. C'est ainsi que nous voyons l'Angleterre au sommet et la Russie au bas de l'échelle des mortalités Européennes." A. Legoyt.

¶ A. Von Buschen. "Children are generally baptized on the third or fourth day after birth."

** "Essay on the Laws of Mortality in Russia," by W. Buniakowski, member of the Imperial Academy of Sciences.

Taking the average of the four statements in respect to the mortality in Russia of children up to the age of five years, it would appear that only $51\frac{3}{4}$ per cent. of the registered births attain that age; whereas the same average for Great Britain, France, and Belgium gives $72\frac{1}{2}$ per cent., or an absolute difference of $20\frac{3}{4}$ per cent. to the disadvantage of Russia.

The whole of that difference may be assumed to represent the unnatural waste of child-life in excess even of the avoidable waste in other countries; for the still-births* and children who have died before baptism (not included in the Russian return) may be set off against a certain natural excess of mortality that may be attributed to the greater rigour of the climate of Russia, although it would, in reality, appear that there is less mortality among children in the extreme North of Russia than in the Central and Eastern Provinces, and there is undoubtedly less mortality during the months of winter than during those of summer.

The question of the excessive mortality among children in Russia is one of paramount importance, and, at the same time, one that does not admit of immediate solution. It is connected with the moral and material condition of the Russian people—a condition which the statistics of mortality prove beyond all dispute to be at a very low level.

The Rev. T. Giliarofski, corresponding member and gold medalist of the Russian Geographical Society,* has made a remarkable inquiry into the infant mortality in the Province of Novgorod, and, although his statistics do not embrace a later date than 1856, his statements and arguments are still applicable to the condition of the Russian peasantry, since religion and education have made but little progress during the period that has elapsed. Nor has the welfare of the peasantry advanced since 1856 to a degree that would remove the more prominent material causes of infant mortality.

The causes, as stated by that enlightened priest, and by other secular authorities, may be classified under three heads in the ratio of their importance:—

(1.) Material.
(2.) Educational.
(3.) Religious.‡

During the fasts of the Church, and even on some of its holy days, or during Easter week, no marriage can be celebrated. To this circumstance, as well as to the fact that during winter the peasantry are comparatively free of work, is to be attributed a preponderance of marriages in the months of January, October, November, and February, and of corresponding births in the months of October, July, August, and November.

The relative effects of marriages contracted during the several months in the year will be seen from the following Table, compiled from the work above cited, and which, although based only on the statistics of the Province of Novgorod, is applicable, with little modification, to the greater part of Northern, Central, and Eastern Russia:—

	Births.		Infant Mortality.	
	Per Cent.	Per Cent.	Per Cent.	Average.
October	$9\frac{3}{4}$		36	
July	$9\frac{1}{2}$		75	
August	$9\frac{1}{4}$		76	
November	$8\frac{3}{4}$		38	
March	$8\frac{1}{2}$		56	
June	$8\frac{1}{2}$		59	
		$54\frac{1}{4}$		$56\frac{2}{3}$
January	$8\frac{1}{4}$		50	
May	8		54	
September	$7\frac{3}{4}$		57	
February	$7\frac{1}{2}$		53	
December	7		50	
April	7		61	
		$45\frac{3}{4}$		$54\frac{1}{6}$

The months are arranged in the above Table in the order in which the greatest number of births occur. It will be seen that there is a relative difference of 28 per

* It is notorious that the statistics of illegitimate births in Russia (only $3\frac{1}{2}$ per cent. of the total births) are kept down by the great prevalence of certain practices in Russian villages, in most of which may be found one or more women who, failing the effect of herbs, administer doses of the sublimate of mercury, or cocculus indicus. They also resort to a process popularly called "vytiranié."

† "Inquiry into the Births and Mortality of Children in the Province of Novgorod." Published in the "Memoirs of the Imperial Russian Geographical Society," 1866.

‡ The religious causes are but slightly alluded to in the Rev. Mr. Giliarofski's work, and he is therefore not responsible for any statements under that head.

cent. between the maximum number of births in October, and the minimum number in April, and that the largest group of births (viz., 54½ per cent. of the total number) falls in a period which is marked by an excess of 4 per cent. in infant mortality, as compared with the period that embraces the months of winter. A small part of this, however, represents an apparently natural excess which, even in other countries, accompanies an increase in the number of births. It is the great mortality among children in the months of July and August, when 75 and 76 per cent. of the births in those months do not survive, that causes the great waste of infant life in Russia as compared with other countries. Those months are the months of harvest, when the peasant women are forced by necessity to leave their new-born infants to be nursed by children of four or five years old, or by old women whose hands can no longer grasp the reaping-hook. Fed on sour rye bread and cabbage or mushroom water, working as much as the men, having less sleep, keeping even more fasts, the peasant women are only exceptionally capable of rearing their children entirely by the natural process. There are few children of peasant proprietors, and of peasants enjoying a fixed tenure of land, who are not brought up by means of a feeding-bottle or "poultice," which frequently convey not milk, but curds and water, or a kind of gruel mixed with water, or "kvas."* "The latter diet," says the Rev. T. Giliarofski, "is general during the prevalence of disease among cattle, or during the periods when cows give but little milk.

"I have seen," continues that authority, "children not a year old left for twenty-four hours entirely alone, and, in order that they should not die of hunger, feeding-bottles were attached to their hands and feet."

The poultices of rye bread, oatmeal, curds, &c., placed over the children's mouths when their mothers leave to work in the harvest-field, frequently choke them; frequently, also, domestic animals come and deprive the infant of its food. Its cries for natural sustenance produce internal distensions which, in the absence of any proper system of bandaging new-born children, result in hernia and other disorders with which the people of Russia are much afflicted.

The circumstances under which the peasant women give birth to offspring reduce the chances of life in the infant, and increase the mortality of women in child-bed.† Their confinement frequently takes place in a hut devoted to the purposes of a steam-bath, or, if in summer, in a barn, out-house, or stable. Midwives are now happily being introduced in the more populous villages of Russia, but it must be many years before the care now bestowed on the subject will bear its fruit in the smaller and more remote settlements of the peasantry. Many a poor woman will continue to bear her great trial unattended—perhaps even without the appliances the absence of which will force her to follow the instinct of the brute creation. In three days at the utmost she leaves the bath-house, or shed, and resumes her domestic duties, even her hard field-work. Cases occur in which the mother of only one day joins the mowers or the reapers. The custom of the country compels her to take a steam-bath on the third day, which still further exhausts her and renders less possible the natural nutrition of her child. The latter passes through its first great crisis on the third or fourth day of its existence, when the doctrines of the Russian Church demand complete immersion at baptism, in water of which it is sin to remove the chill. Within a week after birth, a large proportion of infants therefore succumb to the unfavourable influences of the world into which they have been ushered. Inflammatory affections of the intestinal canal, or what the peasantry call the "cholic," and diarrhœa, claim the largest number of victims, although the average number of infant deaths is officially attributed to "weakness" and "consumption."

Those who survive the ordeal of baptism on a winter's day, and pass safely over the second month of their existence, continue to hover between life and death until the twelfth month after birth, when, according to the Rev. Mr. Giliarofski's figures, death relieves three-fourths, five-sevenths, or six-sevenths of the infants born in some of the districts of the Province of Novgorod of their sufferings. It will be seen, however, from a previous Table, that the general official proportion of deaths in one year is about 30 per cent.

Mothers who have been able to suckle their own children generally wean them at the expiration of twelve months, and popular custom has appointed two days in the year for that purpose—one in July, the other in January. Both periods are unfavourable to the child, inexorably weaned by a mother who superstitiously believes in the efficacy of those days. In July the cattle are mostly afflicted with disorders and

* The liquid result of fermented rye.

† The average number of women who die in child-bed in the Province of Novgorod is 1 in 18.

epidemics, while in January cows give but little milk. Various devices, more or less prejudicial to health, are resorted to by the mother to affect her purpose at this period; one of the mildest being separation from her child for a week or longer, when she frequently returns to find it a corpse. The medical art has not yet penetrated into the great majority of Russian villages. Here and there a beneficent landlord, or a more than ordinary active "Territorial Assembly," may have established a "feldscheer," or hospital-dresser, who generally belongs to the school of Dr. Sangrado, and bleeds and cups the peasantry unmercifully in their steam-baths. His intervention in the case of infant disease is more frequently fatal than salutary. Those poor little victims of material poverty, ignorance, and superstition, are left in their many illnesses to Nature, which turns a deaf ear to the incantations, "whisperings," "fumigations," and other pagan rites by which the village crones undertake to avert the influence of the devil, or the evil-eye. The child that refuses the breast or the feeding-bottle is covered with a clean cloth and left to die, for it is then popularly believed to be beyond all human care. As soon as a child begins to crawl or to stand, another superstitious belief hastens it to the grave, for it is very generally considered a sin to give it any clothes beyond a shirt until it has reached the age of seven.*

These are but a few of the causes that prevent only half of the births in Russia from surviving the fifth year, while, in Belgium and other countries, half the births attain the age of twenty-five. Nature certainly provides a remedy, as far as the supply of mere numbers is concerned, for the practice of feeding infants by artificial means, and weaning them early—the great number of infant deaths within the first twelve months, and early marriages—give a greater fecundity to the population.

The number of children born in Russia is thus twice the number of those born in France.†

In the Province of Novgorod, for instance, between the years 1837 and 1856, the average number of births to one marriage was as follows, in the several classes into which the population is officially divided:—

Upper Class Officials, &c.	$5\frac{4}{5}$ children.
Peasantry	$5\frac{1}{2}$ „
Burghers	5 „
Merchants	$4\frac{4}{5}$ „
Post-drivers	$4\frac{2}{3}$ „
Fluctuating Population	$3\frac{3}{4}$ „

The following Table, extracted from Mr. Quetelet's work, and amplified, in respect to Russia, by figures taken from a work‡ by Mr. A. Von Buschen, the eminent statist of Russia, exhibits the relative fecundity of the principal nations of Europe:—

Countries.	Inhabitants.			Fecundity.
	To one Marriage.	To one Birth.	To one Death.	
Prussia	102	23·1	36·2	4·23
England	128	34·0	49·0	3·77
France	131	32·2	39·7	3·79
Belgium	144	30·0	43·0	4·72
Russia in Europe	100	21·0	26·0	4·96

A comparison between the statistics of births for St. Petersburgh§ and other Continental cities, gives the following results:—

St. Petersburgh	3·4 children to 1 marriage.
Berlin	2·9 „
Brussels	2·7 „
Vienna	2·6 „
Paris	2·4 „

The population of St. Petersburgh is, however, much affected by its foreign element and its unstable inhabitants. The average number of births in other Russian towns is nearly four to each marriage, which would probably give an average of five to the rural districts, where the natural tendency of the population to grow is not checked by hygienic considerations.

* Rev. T. Giliarofski.
† "Physique Sociale." Ad. Quetelet. Brussels, 1869.
‡ "Aperçu Statistique des Forces Productives de la Russie." Paris, 1867.
§ "Statistical Description of St. Petersburgh." 1868.

Mr. Senator Hagemeister has pointed out that, owing to the great waste of life in Russia from poverty and want of care, the number of able-bodied men in Russia in a population of 50,000,000 is the same as that produced in France by only 38,000,000.

Many other writers have shown that the development of the wealth of Russia is retarded by the physical weakness of its population, as well as by the inferiority of the latter in relation to geographical area.

In the body of the present Report it has been stated that only half the male population in Russian villages is capable of field-work, and the following Table, drawn up by Mr. C. Veselofski, of the Imperial Academy of Sciences, affords sufficient proof of the correctness of that statement:—

TABLE showing the Proportion per cent. of Labourers capable of Work.

Provinces.	Ages.		
	14 to 18, and 60 to 65.	18 to 60.	Infants and men above 65 and men physically incapacitated.
Saratof	12·22	53·34	34·44
Wladimir	9·58	52·85	39·57
Nijni-Novgorod	9·59	52·55	37·85
Moscow	10·18	50·86	38·95
Tver	10·52	51·54	37·94
Novgorod	9·38	53·89	36·73
Average	10·58	52·44	36·98

A recent official statistical description of Simbirsk shows that the population of that province is composed as follows:—

	Per cent.
1. Children up to 10 years, and old men and women above 80	29
2. Youths between 10 and 15, and men and women between 60 and 80	16
3. Labourers between the age of 15 and 60	55*

Compared with the population of Great Britain, that of Russia presents a most extraordinary weakness in productive ages. Thus, while in Great Britain the number of men and women alive between the ages of 15 and 60, out of 1,000, averages 548, and in Belgium 518, the same number in Russia is only 265, according to the tables of Brun and Zernof, already quoted.

Calculations of the average duration of human life in Russia bear out the above conclusions. In the extreme North of Russia, and in the Western Provinces, the average duration of life varies between 22 and 27, while, in the agricultural districts of the Volga basin, and generally in the South-East of the Empire, where the conditions of vitality are highly unfavourable, the average is reduced to 20 years. In the Provinces of Viatka, Perm, and Orenburg, the mean duration of life is, however, only 15 years.†

While, therefore, the average yearly increase of the population of Russia is officially taken at 1·20 per cent., allowance must be made, in considering the physical strength of that population, for the unproductive ages of the living. Indeed it is necessary to make a great allowance for the physical debility from sickness even of those who, from their age, might be classed as productive. A large proportion of the surviving population is incapable of proper physical exertion from the want of proper nourishment, from a general neglect of the art of life, from the extraordinary prevalence of certain diseases,‡ from the want or neglect of remedial measures, and from careless exposure to the extremes of heat and cold.§

21. This question has been answered in Part I of this Report, under the head of "Effect of the Emancipation Act on the Welfare of the State."

The remainder of the queries having reference to the tenancy and sub-tenancy

* Of which 28 per cent. women and 27 per cent. men.

† The average duration of life in other European countries is about 40 years.

‡ In the Province of Poltawa, for instance, 100,000 men are supposed to be afflicted with them.

§ From a Report on the Recruitment effected in 1868, it seems that 174,000 men were brought up from the villages to recruiting centres, in order to supply the annual contingent of 84,000 men, and that 44,000 men were rejected for disease and other physical defects, not inclusive of short stature. The proportion of men rejected for disease has been steadily on the increase since 1865, while, in the Kingdom of Poland, the number of men rejected for similar causes remains only 6 per cent.

of land by free contract, are not applicable to the present state of land occupation in Russia.

Being compulsory on the ex-serf as well as on the lord, the conditions of tenancy are complicated by political, fiscal, and military considerations that do not exist elsewhere, and which, therefore, appear to render unnecessary, as regards the object in view, any inquiry into the subject of Land Tenure in Russia.

Part III.—Appendices.

Appendix 1.

Abstract of the Emancipation Act.

The general principles on which the serfs were emancipated in 1861 having been considered in Part I of this Report, the following Abstract of the Local Statutes, reproduced mainly from Professor Bunge's Lectures on the "Law of Police," is intended to show the manner in which those principles have been applied in detail.

Abstract of the Local Statutes for the Emancipation of the Peasantry in Great Russia, Little Russia, the North-West Provinces and the South-West Provinces of Russia.

The four Local Statutes which were appended to the Emancipation Act of February 19th, 1861, are applicable severally to—

(1.) Great Russia, White Russia, and New Russia. (2.) Little Russia. (3.) Kief, Volhynia, and Podolia (South-Western Provinces). (4.) Wilna, Grodno, Kowno, and part of Witebsk (North-Western Provinces).

Each Statute is divided into two parts:—

(A.) Peasant Allotments, Usufruct of Land, &c.

(B.) Payments leviable for the same.

(A.)—*Allotment of Land to the Peasantry.*

I.—*Extent of the Allotments.*

In the Provinces of Great Russia, New Russia, and White Russia, the Local Statutes have defined the extent of the allotments to be made to the peasantry, under a slight deviation from the general principles laid down by the Emancipation Act in respect to the legalization of mutual agreements, and the acknowledgment of existing circumstances.

Those provinces have been divided into zones, viz: (1.) the Zone without Black Soil (9 regions); (2.) the Zone of Black Soil (8 regions); and the Steppe Zone (12 regions).

A maximum and minimum allotment per male peasant ("soul") has been fixed for the first two zones, the minimum being one-third of the maximum.

Existing circumstances are respected within those limits. If the land already cultivated by the peasant is more extensive than the maximum allotment, the excess is taken from him, unless the proprietor shall agree to cede it; but, if it be less in extent than the maximum allotment, the deficiency is made good, unless the peasant shall prefer a reduction of his liabilities for the same.

Exceptions are only admitted in the case of industrial localities, where the peasants are not in the enjoyment of much land. But, in any case, the lord has the right of retaining within his manor one-third of the general area of the land capable of being cultivated.

Within the Steppe Zone there is a uniform allotment per male "soul," and the lord can retain one-half of the cultivable lands.

Exceptions are admitted in the case of certain estates, which can be classed in another zone for the purposes of allotment to the peasantry.

In the Little Russian Provinces of Poltawa, Chernigof, and Kharkof, the peasant allotments are regulated by a maximum and minimum scale, the latter being equal to one-half of the maximum. The lord retains one-third of the cultivable land.

In the Provinces of Kief, Volhynia, and Podolia, the communal lands, declared inalienable by Imperial Ordinances in 1847 and 1848, were left in *statu quo* for the perpetual use and enjoyment of the "temporarily attached" peasantry* of each village community, in return for a certain scale of payments. In case of any previous irregular diminution or exchange of the communal lands, the peasant allotments are to be restored to their former extent, and cannot be decreased (beyond the limit of the minimum statute allotment), except in accordance with the laws respecting the relinquishment or redemption of land.

In the Provinces of Wilna, Grodno, and Kowno, and in four districts of the Province of Witebsk, the Emancipation Act has left to the peasantry the "perpetual usufruct" of the fields and homesteads previously occupied by them. The allotment per male "soul" cannot be diminished by more than one-sixth, the remaining five-sixths constituting the inalienable possession of the peasantry, and destined to supply the wants of the whole agricultural population. The lord, however, has in every case a right to retain one-third of the land capable of being cultivated.

In fixing the extent of the peasant allotments, the statutes were naturally meant to affect only the lands of which the peasantry enjoyed the usufruct,—not such as were held by them at a quit-rent, or farmed under agreement with the lord of the soil.

The principle of respecting existing circumstances was thus retained in the four statutes, except in the case where the inalienability of the communal lands had been previously secured by ordinances. The statutes fixed the extent of the allotments in districts where the permanent usufruct of the land has not been hallowed by custom.

The following Table shows the maximum and minimum allotments of land:—

PEASANT ALLOTMENTS.

Zone and Region.	Maximum.		Minimum.	
	Dessiatinas.	Acres.	Dessiatinas.	Acres.
1st Zone, comprising no Black Soil—				
1st Region	3	8·58	1	2·86
2nd „	3¼	9·29	1 1/12	3· 9
3rd „	3½	10· 1	1⅙	3·33
4th „	4	11·44	1⅓	3·81
5th „	4½	12·87	1½	4·29
6th „	5	14·30	1⅔	4·77
7th „	5½	15·73	1⅚	5·24
8th „	6	17·16	2	5·72
9th „	7	20· 2	2⅓	6·67
2nd Zone, Black Soil—				
1st Region	2¾	7·87	0 11/12	2·63
2nd „	3	8·58	1	2·86
3rd „	3¼	9·29	1 1/12	3· 9
4th „	3½	10· 1	1⅙	3·33
5th „	4	11·44	1⅓	3·81
6th „	4½	12·87	1½	4·29
7th „	5	14·30	1⅔	4·77
8th „	6	17·16	2	5·72

STATUTE ALLOTMENTS.

3rd Zone, Steppe Country—			
Great Russia—1st Region.. ..	6	17·16	.. ..
„ 2nd „	7	20· 2	.. ..
„ 3rd „	8	22·88	.. ..
„ 4th „	10	28·60	.. ..
„ 5th „	12	34·32	.. ..
New Russia — 1st „	3	8·58	.. ..
„ 2nd „	3½	10· 1	.. ..
„ 3rd „	4	11·44	.. ..
„ 4th „	4½	12·81	.. ..
„ 5th „	5	14·30	.. ..
„ 6th „	5½	15·73	.. ..

* Peasants who have not "redeemed" their allotments.

II.—*Nature of the Allotments.*

The peasant allotments include—1, fields, woods, and streams for watering cattle; 2, homesteads; and 3, timber for building purposes and fuel.

Each of the local statutes stipulates that the allotments shall be composed only of cultivable land. It is only within the first zone that woods previously held by separate peasant families (not by entire village communities), as well as those in certain (five) localities of that zone, in which the lords of the soil had granted to the peasantry the right of cutting timber, are included in the allotments.

Streams for watering cattle, already enjoyed by the peasants, or to be made over to them hereafter, are likewise included in the allotments, together with a right of way to such streams.

The homesteads of the peasantry include all the land within a certain radius of a village or small hamlet. The boundaries of such villages are defined either by the natural conformation of the land or by mutual agreement with the lord, failing which, recourse is to be had to the justices of the peace.

Within the first zone, in addition to the land actully occupied by the cottages of the peasantry, each male peasant can claim up to 120 square fathoms (of 7 feet each) of land for sowing hemp seed, and up to 200 square fathoms of common, if the limits of the lands attached to the cottages, or composing the homesteads, are not naturally defined.

In the Steppe country (third zone) the extent of common included in the homestead is not to exceed 320 square fathoms per male peasant.

In the second zone, also, each peasant family can claim up to 1,200 square fathoms; in the third zone, up to 1,800 square fathoms, and in the fourth zone, 1,600 square fathoms of land, as forming the homestead, which the lord is bound to cede to the peasant.

With the exception already stated, the lord is not bound to give the peasantry timber for building purposes. They can claim the right of receiving fuel, under certain conditions of payment, only in localities where they had previously enjoyed the right of cutting wood for fuel. These rights can only be ceded for nine years, a period which expires in 1870.

In Little Russia (second zone), where the communal system does not exist, the "family allotment" consists of the homestead and "field allotment." A maximum field allotment* is laid down for each locality.

III.—*Conveyance of Allotments.*

Under this head the statutes are divided into three parts, viz. (*a*) preliminary confirmation of allotments; (*b*) the surveying and definition of their boundaries; and (*c*) the removal of homesteads.

(*a.*)—*Preliminary Confirmation of Allotments.*

The preliminary confirmation of the peasant allotments within the first two zones was ordered to be completed in 1863, either on the basis of mutual agreement or according to the provisions of the Emancipation Act.

Under the statutes for the third zone, also, a period of two years was fixed for the settlement of the communal lands. The allotments in that zone are either "main" or "supplementary."

The "main" allotment comprises,—1, all the cultivable land attached to the homestead; 2, parcels of grass land held by families subject to service on foot. Each family liable to service with horse has a right to one "foot" parcel of the prevailing dimensions.

All the lands over and above the main allotment constitute a "supplementary" allotment.

In Zone IV the allotments are likewise to be confirmed within a period of two years, unless they shall have been previously settled by mutual agreement.

(*b.*)—*Surveying and Demarcation of Allotments.*

In each of the four zones the surveying and demarcation of allotments may at any time be effected by mutual agreement.

After the expiration of two years, however, from 1861, a period of six years is allotted for the "preliminary confirmation" of the allotments, during which the lord may insist on the surveying of commons and of lands intersecting those which he

* "Peshi,"—*i.e.*, in lieu of service on foot, as distinguished from service with a horse.

retains; but such demand can only be made once. The survey of commons may be demanded even after the expiration of the six years. The peasantry have no right to insist on their lands being surveyed.

(*c.*)—*Removal of Homesteads from one spot to another.*

This is admitted in each of the local statutes under the following circumstances:—

(1). By mutual agreement.

(2). On the demand of the lord.

(3). If the homesteads are situated at a distance of 50 fathoms from the manor buildings, or 100 fathoms from buildings containing machinery worked by steam.

(4). If the homestead be situated outside the village bounds, in the midst of lands belonging to the lord.

(5). If the demarcation of bounds should render it necessary. The period fixed for such removals was two to six years after the emancipation.

IV.—*Exchange of Lands.*

The same principles are laid down in each of the four statutes with regard to the exchange of lands; but they are practically applicable only in the first and second zones, as in the third and fourth zones the purchase of the land by the peasantry has been rendered compulsory, and the right of exchange necessarily terminates on purchase.

Exchanges can be made at any time by mutual consent.

Lands, when not purchased by the peasantry, with or without the aid of Government, can be exchanged, on demand of the lord of the manor, in the following cases:—

(1.) On the discovery of turf, mineral springs and valuable minerals on lands occupied by the peasantry.

(2.) Should the lord of the manor desire to construct mills, &c., worked by water-power, and should the peasant homesteads be thereby liable to be submerged.

(3.) Should the lord require the peasant lands for works of drainage, irrigation, or water supply.

(4.) Should the land be required for the purpose of making a road or way for cattle; and—

(5.) If, situated on a stream, it be required for the construction of a wharf (landing-place) or ferry.

V.—*Usufruct of Proprietary Rights.*

The proprietary rights of the peasantry are defined in the statutes under three heads, viz.:—

(*a.*) The right of usufruct;

(*b.*) Compulsory usufruct, and the renunciation of lands;

(*c.*) The restitution of lands to the lord.

(*a.*)—*The Right of Usufruct.*

The Emancipation Act lays down the general rule that the peasant allotments constitute the lands of the community ("mir"), of which the peasants enjoy the usufruct so long as they belong to the commune. This right of usufruct includes the raising of sand, turf, clay, and common stone. The right of water for the construction of mills, and the right of fishing and shooting, belong to the lord, although not exclusively, and subject to certain restrictions.

Thus, although the right of fishing belongs generally to the lord, within his manor, yet, where the peasantry have subsisted principally by fishing, the right of catching fish is reserved to them against certain payments. The right of shooting, also, belongs to the lord within the limits of his manor, yet the peasants are not precluded from destroying on the communal lands all wild or destructive birds and animals.

The right of using water confined within dams; the erection of buildings within a certain distance from the manor buildings, or from the borders of woods; the establishment of fairs, inns, and houses for the sale of spirituous liquors on the lands of the lord, can only be granted to the peasantry by the lord.

The establishment of fairs, &c., must, moreover, have the consent of the communal council.

Within the first zone, the proprietary rights (or rights of usufruct) are either communal or hereditary.

The homestead of a peasant descends by hereditary right, but, when no heir can claim it, it is escheated to the commune, as in the case also of the hereditary allotment of a peasant dying without issue or heirs.

The repartition of the communal lands, and the substitution of hereditary for communal rights of proprietorship, can only be effected with the consent of two-thirds of the householders forming the commune.

The right of hereditary usufruct (*i.e.*, personal—not communal—tenure) is retained wherever it has previously existed.

Within the second zone, the right of hereditary personal usufruct is retained, subject to local usuage as to succession and division, and with the right of transfer during life to a lawful adopted heir. Lands may also on demise be parcelled out to heirs, on condition of each parcel being equal to at least one half of the local maximum allotment in lieu of foot service.

Under the statutes for the third zone, the peasant lands, &c., descend hereditarily, and the lord or the commune have no right of interference.

The right of usufruct is limited so far that no peasant can hold two parcels, "in lieu of foot service," of a main allotment, and two homesteads. On division, the minimum of each parcel must not be below the local allotment for foot service.

In the fourth zone, the descent of family allotments is regulated by local custom, and the number of allotments cannot be reduced. The statute at the same time forbids the union of more than three parcels, and the breaking up of parcels of less than ten dessiatinas (29·60 acres).

(*b.*) —*Compulsory Usufruct.—Relinquishment of Land.*

By each of the four statutes, the occupancy, or rather usufruct, of land is declared to be compulsory on the peasantry for the term of nine years from the date of emancipation. It is also compulsory on those who shall have purchased their homesteads.

Special rules are, however, attached to the statutes, specifying the cases in which the peasantry may relinquish the right of enjoying the usufruct of their lands.

The rules distinguish between relinquishment during the period of nine years from 1861, and relinquishment after the expiration of that period.

(1.) The relinquishment of land during the period of nine years is permitted in the following cases:—

(A.)—*In Zone* I.

(*a.*) When the usufruct of the land is held by the commune.

(*aa.*) By mutual agreement between the lord and the commune, to the extent of half of the maximum of the statute allotment.

(*bb.*) On the purchase of the freehold of one-third of the statute allotment.

(*cc.*) On receiving, as a gift from the lord, one-fourth of the maximum or statute allotment, inclusive of their homesteads, the peasantry may surrender their right to the remainder of their allotments.

(*dd.*) On the number of male peasants in the commune being reduced one-fifth or more, the peasantry may relinquish one-fifth, and more of the land, and obtain a corresponding reduction of their liabilities.

(*ee.*) A peasant, belonging to a commune, who shall acquire or possess the freehold of land to the extent of at least two statute allotments (according to their size in the locality), and provided such freehold be within a distance of fifteen versts (ten miles) from his village, has the right of relinquishing his share in the communal usufruct of the land.

(*b.*) Where the the usufruct of the land is personal or hereditary.

(*aa.*) A peasant who shall have acquired in freehold from the lord of the soil a part of his allotment equal to the extent of twice the size of the local allotment per male, may relinquish his right to the rest of the allotment, and the comune may relinquish its right to such surrendered portion also.

(*bb.*) A peasant who has or may acquire such a freehold may decline the compulsory usufruct of his allotment, which then devolves on the commune.

(B.)—*In Zone* II.

(*a.*) When the usufruct of the land is held by the commune.

(*aa.*) The commune may relinquish up to half of the allotment per male held in usufruct.

(*bb.*) It may relinquish up to one-third on purchase, and—

(*cc.*) Up to one-fourth of the allotment received in free gift.

(*b.*) Where the usufruct of the land is personal or hereditary.

(*aa.*) The peasant may relinquish his allotment on purchasing the freehold of half of the maximum allotment for foot service.

(*bb.*) He may relinquish only a portion of the land attached to his cottage in excess of 1 dessiatina (2·86 acres), as well as—

(*cc.*) Any supplementary allotment.

The conditions under which communes and peasants in Zones III and IV could relinquish their rights to land allotted to them, were set aside by subsequent enactments contingent on the late Polish insurrection.

(2.) Relinquishment after the expiration of nine years from 1861:—

In Zone I the peasantry may relinquish their right to the land allotted to them, provided they observe the rules which regulate secession from communes; and in each of the four zones they may surrender on acquiring the freehold of a statute allotment, and without leaving the commune. The four statutes also permit relinquishment where the peasantry have purchased only their homesteads.

Communes are not bound to accept or to take over relinquished allotments, nor to discharge the liabilities connected with the tenure of such allotments.

In the three last zones, the peasant who shall not have purchased the freehold of his homestead may surrender his allotment, but not without the consent of the lord.

(*c.*) With the exception of some restrictions in favour of communes, all lands that are relinquished devolve on the lord throughout the four zones.

VI.—*Release of Peasants from Village Communes, and the Admission of other Persons into them.*

The rights of the peasantry to move from one place to another are defined under this head.

A peasant may leave his commune on the following conditions:—

(1.) In the first zone, on payment into the communal fund of a sum which shall represent his yearly quit-rent multiplied by $16\frac{2}{3}$, without the consent either of the commune or the lord.

(2.) Without the consent of the commune, if the lord shall relinquish his right to the quit-rent.

Under the statutes for the second zone, an individual peasant may also be released from the commune, provided the peasant who remains in the homestead shall take upon himself his allotment of land.

In the second, third, and fourth zones, peasants having no lands (former domestic serfs) may quit the commune, and in the third and fourth zones, they may be released from the commune on acquiring land in freehold or becoming merchants (traders).

Other persons may be admitted into the communes without being subjected to service, in lieu of payments in money. The consent of the lord is required while the peasants remain temporarily attached to him, *i.e.*, before they have arranged for the purchase of their allotments.

Peasant proprietors are admissable into the communes on the resolution of a communal public meeting.

VII.—*The Redemption (Purchase) of Homesteads.*

Under Statute I the peasants have the right of purchasing their homesteads, either individually, or in communities, provided they owe no arrears of quit-rent, &c. The terms of purchase may be arranged by mutual agreement with the lord, failing which the price of the homestead is fixed at the capitalized rent of $16\frac{2}{3}$ years. The lord may, however, decline the sale of the homesteads alone, and may insist on the purchase of the entire allotments as well.

The repartition of the cost of purchasing the homesteads may be made by the commune. When homesteads are purchased by individual peasants, 20 per cent. is added to the price.

In all four zones, the peasant who has purchased his homestead in freehold retains the right of using the common or waste lands.

In Zones II to IV there is no general repartition of the sum paid for home-

steads, but the price of each homestead is fixed at from 102 roubles to 240 roubles per dessiatina.

Commons and waste lands are included. The value of homesteads, whether purchased singly or by an entire community, is payable in one sum.

(B.)—*Liabilities of the Peasant towards the Lord.*

I.—*General Rules.*

The liabilities of the peasant towards the lord are of two kinds—viz., (1) money-rents (quit-rent—"obrok") and (2) service ("barschina"). Both may be regulated by mutual agreement, on condition that engagements to render service be not made for a longer term than three years, and that they do not violate the general laws and provisions of the Emancipation Act.

In Zones I and II the payments leviable on the allotments per male "soul" are not inclusive of (*a*) payments for timber; (*b*) rents of water-mills, fisheries, and lands leased, and (*c*) rents for lands occupied by peasant buildings. All tribute in kind, contributions and supplementary payments have been abolished within the first two zones, as are also, in Zones II and III, female service, male service with horse—including service with carts, night-watching, capitation quit-rent, right to domestic service, &c. In Zone IV, likewise, a great variety of services, &c., formerly rendered to the lord, have been abolished.

In Zone I the statute ordains that the peasantry who held lands at a rent or for rent and service together, should in future pay a quit-rent ("obrok"), and that those who held land for service should have their liability to render such service computed in days and money equivalents in their "Settlement Deeds."

The rent or purchase price of the homesteads is included in the general total of the rent or redemption price. On the "redemption" (purchase) of the peasant allotments, a certain portion of the redemption price is considered to be the value of the homestead.

In Zones II and III special payments are leviable for the homesteads, as well as for parcels held at "foot service" and for "supplementary parcels." The payments in respect to homesteads represent the value of the latter capitalized at 5 per cent.

Lands held at a rent or on "mixed terms" (*i.e.*, rent and service) are in future to be held at a money-rent, and those held at service may be held against money payments, or the service may be converted into a fixed number of days of male labour.

In Zone IV the conditions of tenure of each parcel are expressed separately in each "Settlement Deed."

Within the first zone, the extent of the liabilities of the peasantry coincides with that of their allotments, and, under the other three statutes, the liabilities are also determined by the quantity of land conveyed in usufruct.

Where the usufruct is communal, the internal repartition of the money payments is made by the commune, and where the land is held personally (by hereditary right) the payments are commensurate with the quantity of land held.

II.—*Liabilities in Money.*

(*a.*)—*Amount of Quit-Rent.*

In Zone I the amount of quit-rent varies according to localities, and is 8, 9, 10 or 12 roubles (21*s.* 4*d.*, 24*s.*, 26*s.* 8*d.*, 32*s.*) per allotment for a male peasant. Where the actual allotment is smaller than the maximum or statute allotment, only half the fixed rate of quit-rent is payable on the first dessiatina (when not situated in the Black Soil Country), one-fourth of the rate of rent on the second dessiatina; while only a quarter of the rate of rent payable on a maximum allotment is leviable on any further quantity of land (in excess of the second dessiatina and less than the statute allotment).

In similar cases, the rents in the Black Soil and Steppe Countries are reduced to 4 roubles for the first dessiatina (3*s.* 9*d.* per acre), and to 5 roubles (4*s.* 8½*d.* per acre) on the remaining quantity (in excess of 1 dessiatina and less than the statute allotment).

The quit-rent ("obrok") may be reduced or raised in certain cases by the provincial

courts for the settlement of matters relating to the peasantry, but it can in no case be raised above the rate paid previously to the emancipation.

The conversion of rents into payments in kind (corn and other products) or into labour is admitted, but not for a longer term than three years.

The following are the cases in which the rents may be raised at the request of the lord:—

(*a.*) By 1 rouble (32*d.*) per male:—

(1.) If the peasantry hold valuable meadows.

(2.) If the village be not more than 5 versts ($3\frac{1}{3}$ miles) distant from a town with 20,000 inhabitants, or from a wharf on a river.

(3.) If the village has a wharf on a river.

(4.) If the peasantry have fisheries, or any peculiar advantages or conveniences.

(*b.*) By more than 1 rouble (32*d.*) per male:—

(1.) If the manor be not more than 25 versts ($18\frac{2}{3}$ miles) distant from one of the capitals, and if it be a place of resort in summer for the inhabitants of such capitals ("datchi").

(2.) If the villages pursue any manufacturing industry, or are engaged specially in trade.

(3.) For market-places, fisheries and leased meadows.

On the other hand, the quit-rent may be reduced, on the demand of the peasantry, in the following cases:—

(1.) Where the land allotted is poor, as compared with neighbouring land.

(2.) Where the fields are inconveniently distant from the villages.

(3.) Where the peasants are deprived of fuel.

(4.) Where the statute allotments have been reduced.

In Zone II the amount of quit-rent leviable is computed per dessiatina for each "family allotment," according to the following scale:—

Locality.	Province of Chernigof.		Province of Poltawa.		Province of Kharkof.	
	Per Dessiatina.	Per Acre.	Per Dessiatina.	Per Acre.	Per Dessiatina.	Per Acre.
	Rs. c.	*s. d.*	Rs. c.	*s. d.*	Rs. c.	*s. d.*
1	2 50	2 4	2 50	2 4	2 80	2 8
2	1 60	1 6	2 0	1 $10\frac{1}{2}$	2 40	2 3
3	1 40	1 4	..	..	2 10	2 0
4			..	..	1 80	1 $8\frac{1}{2}$

These rents may be raised by 10 per cent. in cases where they are raised by 1 rouble (32*d.*) in Zone I., and they can also be reduced 10 per cent. under the same circumstances as in Zone I.

In Zone III (South-West Provinces) the rents are payable either in service or money, on the following scale per dessiatina:—

Locality.	Male Foot Service.	Or Money Rent.	
	Days.	Per Dessiatina. Rs. c.	Per Acre. *s. d.*
1	20	3 30	3 1
2	20	3 10	2 11
3	16	2 70	2 6
4	15	2 50	2 4
5	13	2 0	1 $10\frac{1}{2}$
6	12	2 0	1 $10\frac{1}{2}$
7	$9\frac{1}{2}$	1 60	1 6
8	$9\frac{1}{2}$	1 50	1 5
9	$8\frac{1}{2}$	1 35	1 3

The rent into which the former "mixed" liabilities of thepeasantry (*i.e.*, service and rent) are converted, may be fixed higher than the money-rent previously paid.

The quit-rent may be raised or reduced to an extent not exceeding 15 per cent. in the same cases as those above enumerated.

The peasant allotments cannot, however, be reduced.

The original enactments relative to the tenure of land in Zone IV having been subsequently modified under the influence of a certain policy,* it is useless to review them here.

* *Vide* Appendix 11.

It will suffice to state that the scale of rent originally fixed varied between 1 rouble 65 copecks and 3 roubles per dessiatina (1*s.* 6½*d.* and 2*s.* 1*d.* per acre), according to density of population.

(*b.*) The periods at which the rent is payable may be fixed by agreement with the lord, who has, however, the right to demand half a year's rent in advance.

The rent is payable either collectively, under the mutual guarantee of the members of the commune (in the first zone only), or by the peasant tenants singly.

(*c.*) In the first three zones the rents will be re-assessed after the expiration of twenty years from 1861, and earlier in Zone IV.

III.—*Liabilities in Service.*

(*a.*)—*Extent of Service.*

In the first zone, the service due by the peasant in lieu of rent is fixed in "working days," and cannot in future be increased. Contracts by mutual agreement for the tenure of land in return for service can be made for periods of three years.

The rent service (under such agreement) of a maximum allotment (in Zones I and II), or of a statute allotment (in Zone III), is forty days' service per annum of a male peasant, and thirty days' service of a female. The service due for smaller allotments is regulated according to a sliding scale.

(*b.*)—*Division and Distribution of Working Days.*

The working days are either vernal or hibernal, male (with horse or on foot) or female. A day on which the peasant supplies two horses is equal to one and a-half working days, and the labour of three horses is equal to two working days. Three-fifths of the days fall in summer and two-fifths in winter.

The working days are repartitioned equally on each week of the half-year. *The* remainder (after such distributions) are repartitioned by the lord, to the extent, however, of not more than one day per week. Where the land is held by the commune the lord cannot demand more than one-third of the number of days' service due in any week; and where it is held by peasants individually, he cannot demand more than one labourer from a family that owes three days' service in the week, nor more than two labourers where the family owes four to six days' service in any week. The same order is observed with respect to the days of female service, but alterations in the days appointed may be made with the consent of the peasantry—a consent which is also required for the substitution of male for female labour, and *vice versâ*. Where the land is held on the communal system, the lord settles with the commune, but with individual householders where it is held personally. The lord may demand the service of male labourers, either on foot or with horse; but, in the provinces of New Russia, the days for service with horses are fixed by mutual agreement.

The law regulates in detail the mode of rendering service in lieu of money-rent, under the following heads, viz.:—

(1.)—*The order of appointing Work.*

The lord informs the starosta (mayor) of the village of the number of days' service he will require during the week, and, where the land is held hereditarily, he will also specify the families from which he will require such labour, as well as the number of labourers. The place where the labour is to be performed, the nature of the labour, and the description of agricultural implements which will be required, must be communicated by the lord over-night to the starosta, who sends the labourers accordingly.

Service falling due on holy days is rendered on week-days. The age of a male labourer must be between eighteen and fifty-five; that of a female labourer between seventeen and fifty. Labourers, male or female, below or above those ages, may render service by agreement with the commune or with the holder of an allotment. Men who are sick, and pregnant women cannot be told off for work; where the commune is responsible they are replaced by other labourers, but, where the land is held hereditarily, the sick perform their service later, if their sickness has not lasted longer than two weeks. Service cannot be demanded from them in respect to time lost, if the illness has lasted more than a fortnight. Women are also exempt for six weeks after their confinements.

(*b.*)—*The order of rendering Service.*

The Emancipation Act leaves it to the Provincial Court for regulating the affairs of the peasantry, to draw up statutes for the regulation of labour, but their application (or introduction) is made to depend on the demand of the peasant or lord. The law, however, fixes the duration of labour service at twelve hours in summer and nine hours in winter, not inclusive of rest. It also regulates the quality of the labour.

The lord is liable for a sum equal to twice the latter when the latter is irregularly imposed.

Labour at a distance, not further than twelve versts (eight miles) with a deduction of half an hour for every hour beyond six versts, may be performed consecutively on all the days of the week.

A day's labour interrupted by bad weather is considered as performed, but the lord may set the labourer to do other work. The lord superintends the work.

(*c.*)—*Conversion* (*Commutation*) *of Rent Service into Money Rent* ("*Obrok*").

The peasantry have the right of electing to pay money-rent in lieu of service by informing the lord thereof a year beforehand, collectively, as an entire village, or individually (with the consent of the head of the family), provided they owe no arrears of service. Where four-fifths of the peasants of a Commune hold their lands at a money-rent, the lord may insist on the remaining fifth paying such rent in lieu of service. Peasants holding land partly for service, partly at a money rent, may elect to pay money-rent in lieu thereof when their Settlement Deeds are drawn up, or they may render service and pay rent as before by agreement, for term of three years.

The same rules are applicable to the other Zones, with the following modifications:—

Under Statute II, service is due acccording to a certain scale per dessiatina, which varies in each locality.

The scale is as follows:

Per Dessiatina.	In Chernigof.	In Poltava.	In Viharkof.
1st locality	21 Days.	21 Days.	19 Days.
2nd „	14 „	16 „	16 „
3rd „	12 „	..	14 „
4th „	..	..	12 „

The labour due to the lord can only be male labour on foot; but it may be replaced by labour with horses or female labour by agreement with the last.

For any additional allotments of land, the lord may demand quit-rent in lieu of service at the expiration of three years from the date of the confirmation of the statutes (1861).

In Zone III the number of male working days is fixed for each family holding separately. Half an hour per verst each way is deducted for any distance above five versts.

Under the statute for Zone IV a deduction of ten per cent. is made from the amount of service due under the "Inventories" or Settlement Deeds, and which cannot exceed twenty-three days in the year. The number of days' service varies from twelve to twenty-three, of which one half is due from men, the other from women.

IV.—*Payments for Homesteads.*

In Zone I. the sum of 1 rouble 50 copecks, 2 roubles 50 copecks, 3 roubles 50 copecks (4*s.*, 6s. 8*d.*, 9*s.* 4*d.*), and more is included in the general amount of payment due to the lord as a rent for the homestead.

In order to ascertain the portion of rent that falls on the homestead, in cases where the peasant purchases only his homestead or where he is deprived of his field allotment for arrears of payment due, the homesteads of the peasantry are divided into four classes—viz., 1, homesteads in purely agricultural districts; 2, homesteads in districts where the peasantry are principally engaged in trade, industry, &c., and also where, although the homesteads are situated in agricultural districts, their occupiers possess extensive or valuable vegetable gardens, &c.; 3, homesteads of which the situation affords some special advantages, and all those which are within $18\frac{2}{3}$ miles of St. Petersburg or Moscow; and, 4, homesteads situated in localities where the

peasantry are subjected to higher rents on account of the pursuit of industry, or trade on a large scale, or where they hold the lease of extensive meadows.

It is left to the lord to specify the portion of rent which shall fall on the homesteads within the limits laid down by the statute for the first three classes of homesteads. If the latter be placed in the first or second class, the valuation need only be confirmed by an Arbitrator of the Peace, but if the lord insists on the homesteads being included in the third class, the valuation has to be confirmed by the District Sessions.

No homestead can be placed under the 4th category without the approval of the Provincial Court for regulating matters relating to the peasantry, to which also an appeal lies from the decision of the District Sessions.

In Zone II and III a separate rent is liable, but in Zone IV no special payment is exacted for the usufruct of homesteads. If the peasant only purchases his homestead, the payment due from him in respect to the land of which the homestead is part, is diminished by 6 per cent.

V.—*Measures for Securing the Regular Payment of Rent in Money or Service.*

In Zone I the village authorities and the Arbitrators of the Peace "Mirovi Posrednik") are charged with the duty of watching over the regular payment of the rents and other liabilities due by the peasantry. Work not finished or irregularly done has to be done over again. If arrears of work be not made good within three days, a payment in money of double the value of service is leviable for each day's work in arrear. The rules respecting arrears of quit rent are applicable to cases where work is not done on account of holydays.

The payment of quit rent is enforced with the same strictness as that of the Imperial taxes, preferentially above all other claims in respect to pecuniary engagements, and a fine of 1 per cent. per month is imposed on the amount of arrears.

An arrear of quit rent may be worked off according to a fixed tariff. Should no agreement be arrived at in respect of such tariff, or should the peasant in arrear fail to render the service due for such arrear, the latter is leviable under the following rules, viz. :—

(*a.*) Where the communal system of mutual guarantee prevails, the commune makes good the arrear, either by repartition among it members or out of its reserve funds or other communal means, excepting always the fund which is set aside for the purpose of making good any deficit in the payments due by the whole village. At the same time the commune can adopt the following measures for recouping the amount thus paid :—it may, 1, seize the income of the real estate of the defaulter; 2, place him out at service; 3, appoint trustees or guardians over him; 4, sell his real property; 5, sell his moveables; and, lastly, take away the land attached to his homestead.

On the demand of the lord an arbitrator of the Peace can forbid the issue of new passports, remove the village authorities elected by the commune and appoint others in their stead, make the peasants work out their arrears, levy a distress on their movables with the assistance of the territorial police, seize portions of their lands (not more than one third), and put the latter up for auction.

Should the arrears amount to the entire yearly rent, and have been caused by some calamity, the Government comes to the assistance of the defaulters.

(2.) Where the land is held hereditarily, the same order of distress is observed as in the case of communal defalcation. Should the measures above enumerated prove insufficient, the allotments can be seized and made over to other peasants in the same village. Should no peasant desire to take over such allotments, they lapse temporarily to the lord, and after nine years (from 1861) may again form part of his manor. After the lapse of the nine years, the remedy of distress applies to the homesteads, with the permission, in each case, of the Provincial Court for regulating the affairs of the peasantry.

(C.)—*Redemption (Purchase) of Lands.*

The laws under this head are classified as follows :—

(1.) Redemption of homesteads.
(2.) Redemption of lands with homesteads.
(3.) The rights and obligations (duties) of peasant proprietors.

I.—*Redemption of Homesteads apart from Lands.*

Under the general law, as well as by the local statutes, the peasantry, either in entire villages or singly, have the right of redeeming their homesteads without the land or field allotments; but the assistance of Government is not given in such cases, and the lord may insist on the allotments being redeemed as well as the homesteads. The price of the homesteads is arranged by mutual agreement, but failing such agreement, the legal value of a homestead in Zone I is ascertained by the capitalization of the quit rent ("obrok") due thereon, which quit rents is calculated in the proportion of 150 roubles, 2 roubles, 2 roubles 50 copecks, 3 roubles 50 copecks, and in certain cases even more per male peasant.

These rates multiplied by $16\frac{2}{3}$ give the value of the homesteads, *i.e.*, for every rouble of quit rent due on a homestead the purchase money would be 16 roubles 67 copecks (2*l.* 4*s.* 5*d*).

In the other Zones the normal value of the homesteads (when the purchase is not arranged by private agreement) is fixed at 102 roubles per dessiatina (4*l.* 15*s.* per acre), but any local advantages (such as trade, industry, &c.) may raise the value to 240 roubles per dessiatina (11*l.* 5*s.* per acre).

Peasants who desire to purchase their homesteads only, deposit their purchase money at the District Treasury, and inform the lord of their desire by petition.

II.—*Government Aid to Peasants desirous of Purchasing their Land Allotments together with their Homesteads.*

(*a.*)—*General Rules.*

(*aa.*) The purchase may be effected either by agreement with the lord or on his demand. In the latter case, the purchase must include the lands of an entire village and allotments not below the legal standard.

(*bb.*) The land must be held under a money rent not under rent service, *i.e.*, before the peasant can purchase it, his rent in service must be converted into a money rent.

(*c c.*) Where the purchase is effected by mutual agreement, the peasantry may arrange to make payments over and above the sum paid to the lord by the Government as a "redemption advance." These extra payments are not guaranteed by the Government.

(*d d.*) The redemption advance is payable in Five Per Cent. State Bank Bills, and in certificates, which are gradually exchanged for Five Per Cent. Bills, and also (from the 27th June, 1862), in Five and-a-half Per Cent. Rents.

(*b.*)—*Financial Operations.*

The financial operations connected with the purchase of land by the peasantry, are under the control of a special Board, under the Ministry of Finance

(*c.*)—*Definition of Lands which can be Purchased with the Assistance of Government.*

The redemption advance refers only to the allotments. These can be decreased to the following extent:—in Zone I, to one-third of the maximum allotments, where the land is purchased by the commune, and to two maximum allotments per soul, where it is held by peasants singly, (*i.e.*, the head of a family cannot purchase less than two maximum allotments.)

In Zone II, the allotments subject to purchase can be reduced to one-third of the maximum allotment per male, when held on the communal system, and to one-half of the allotment for foot service, when the land is held by peasants singly.

In Zone III, the original enactments were annulled by the introduction of a law for the compulsory sale and purchase of the peasant allotments.

In Zone IV, the land to be purchased may be reduced to 10 dessiatinas ($28\frac{1}{2}$ acres) in each family, parcel, or holding.

The purchase of lands in commercial and industrial villages, is regulated in each case by the higher Departments of State.

(*d.*)—*Extent of Redemption Advance and mode of issuing it.*

The amount of the redemption advance is determined by the rental, multiplied by $16\frac{2}{3}$; four-fifths of such capitalized rental are advanced by the Government when the whole of the allotment specified in a Deed of Settlement is purchased, and three-fourths when any reduction of the allotment has been made on purchase. The advance is not diminished, even if the quit rent previously paid shall have been lower than the rate fixed by the statutes; and if the advance fixed by the extent of the quit rent previously paid is not in excess of the four-fifths and three-fourths of the advance on the full quit rent, payable in a given locality.

The following are the regulations respecting the payments made by the peasants to their lords, in addition to the Government advance :—

(*a a a.*) When the land is sold and purchased by mutual agreement, the additional payments are likewise left to voluntary arrangement.

(*b b b.*) When the allotments are purchased at the demand of the lord, he cannot insist on any additional payment, except in case the peasants desire to purchase only a portion of their allotments; in which case the peasants are bound to pay one-fifteenth of the redemption advance, as a supplementary payment.

(*c c c.*) When the purchase is effected on the demand of the lord, in consequence of the peasant's having expressed a desire to purchase their homesteads, the peasants are bound, when purchasing their entire allotments, to pay one-fourth; and when purchasing a reduced allotment, one-third of the redemption advance in the shape of a supplementary payment.

The Government advances the purchase-money, after deducting from it any debt due by the lord to the State Bank. The ratio in which the several descriptions of redemption stock are issued, is as follows :—

(1.) If the advance (after deducting the debt to the bank), does not exceed 1,000 roubles (about 135*l.*), it is paid entirely in bank bills.

(2) If it amounts to any sum between 1,000 and 10,000 roubles (135*l.* to 1,350*l.*), the first 1,000 roubles are paid in bank bills in full; and of the balance a fifth is payable also in bills, and the rest in "redemption certificates."

(3.) If the advance ranges between 10,000 and 50,000 roubles (1,350*l.* to 6,700*l.*), the sum of 2,800 roubles (375*l.*) is payable on the first 10,000 roubles in bills, in accordance with § 2; while of the remainder (beyond 10,000 roubles), one-tenth part is likewise paid in bills, and the rest in certificates; and,

(4.) When the redemption advance exceeds 50,000 roubles, the sum of 6,800 roubles (905*l.*), is paid in bank bills on the first 50,000 roubles, in accordance with § 3; and of the remainder one-twentiethin bank bills, and the balance in certificates.

The interests of private creditors, and those of the Crown, are protected in all these operations. The discharge of debts due by the lord on his lands to the Crown, is effected first out of the supplementary payments of the peasantary (should any such be due), secondly out of the bank bills, and lastly out of the certificates. In these cases, the bank bills and the certificates are accepted by the Government at their nominal value.

Should an estate have been privately mortgaged before the emancipation, and should the redemption advance, together with the supplementary payments, not suffice to cover such debt, the land can only be purchased by the peasantry with the consent of the creditor, who is then paid on the same conditions as when the crown is a creditor; the land purchased by the peasantry is at the same time released from the mortgage; and any portion of the debt which remained unpaid is guaranteed by the remainder of the estate mortgaged.

Creditors under mortgages effected after the Emancipation Act, have a preferential claim on the redemption advance made in respect to the land mortgaged; but such transactions cannot prevent the peasants from purchasing their allotments.

(*e.*)—*Deeds of Sale.*

The law regulates the form in which the Deeds of Sale are to be drawn up, and the order in which the purchases are to be consummated.

The peasantry and the lord agree on the conditions of a Deed of Sale, and when drawn up in a certain form (on paper without a stamp), it is exhibited to the local Arbitrator of the Peace, whose duty it is to see that the provisions of the contract are legal in every particular. He satisfies himself thereof by comparing the Deed of Sale with the Settlement Deed, by questioning the peasantry, and by personally inspecting the property in question.

As soon as the Deed of Sale is approved by that officer, he forwards it to the Provincial Court for regulating the affairs of the peasantry.

The Provincial Court applies to the District Civil Court, for the purpose of ascertaining whether there are any disputes, claims, distresses (private or Government), on the lands in question; and the Civil Court is bound to reply to such inquiries within a month.

If the property has been mortgaged in any local institution, the Provincial Court enters into communication with such institution, and on receiving all the necessary replies proceeds to examine the conditions of the contract submitted to it, and if the latter be found in perfect conformity with existing laws, the Provincial Court forwards it to the Governor of the Province, who, on his part, transmits it, with all the accompanying documents, to the Redemption Board at St. Petersburg.

On receipt of such documents, the Redemption Board communicates with the bank and other institutions which may have liens on the estate (should this not have been done by the Provincial Court), and examines minutely the calculations made in the documents, and their conformity with regulations.

On receiving the reply of the bank and other institutions, and on the deed of sale being found in perfect order, the Redemption Board definitively authorizes the redemption advance to be made, and notifies the same through the Governor to the Provincial Court, and returns the documents. The Redemption Board forwards, at the same time, the redemption certificates and 5 per cent. bank bills in the proportion already specified, after deducting the debt, if any, due to the State bank on the property.

The Provincial Court next informs the lord and the peasants of the confirmation of the deed of sale, and gives notice of the same to creditors and all others whom it may concern by advertisements in the "Senate Gazette" and "Provincial Journal."

At the same time, the Court makes over to the lord or his creditors, or transmits to the proper person the 5 per cent. bank bills and certificates received from the Redemption Board, and makes arrangements for the payment of the supplementary amount due by the peasants as well as for the immediate preparation of a document called a deed of gift "(dannaya"). The Civil or Local Courts are bound to prepare such documents within three days, and to make arrangements for placing the peasants in formal possession of the land, which the local police is instructed to effect within a period of nine months from the date of the issue of the deed of gift.

The final demarcation of lands purchased (if such demarcation be not previously settled by mutual agreement), is to be made the subject of future legislation.

(f.)—Terms of Repayment of Redemption Advance.

The redemption payments due by the peasants are equal to 6 per cent. on the sum advanced by the Government, and are continued during a period of forty-nine years.

The peasantry may elect to repay the capital in instalments of not less than ten roubles, in which case a corresponding deduction of 6 per cent. is made from the yearly payments due by them.

By the 1st November of each year, the Provincial Court for regulating the affairs of the peasantry forwards to the Provincial Tax-office ("Kazzennaya Palata") a return of the payments due by communes or individual peasants in respect to the purchase of land. The Provincial Tax-office forwards such returns, together with the schedules of other taxes leviable during the year; to the District Treasuries, which again transmit these returns and schedules to the several cantons.

When the land has been purchased by the commune, the repartition of the annual payments among the several peasants, or among the families of a village, is left to the commune.

The payments are collected by the mayor (starosta), or by the tax-gatherer (where such shall have been appointed), together with other taxes due to the Crown. The mayor or tax-gatherer pays the amount to the District Treasury, but peasants who may have purchased land individually, may make their payments to the District Treasury direct.

The payments in respect to redemption must be made into the Treasury within the same terms as those appointed for the payment of taxes, *i.e.*, between the beginning of January and the 1st of March for the first half-year, and between October and the 1st of January for the second half. As in the case of taxes, fifteen days' grace is allowed at the payment of redemption dues, at the expiration of which the District Treasurer prepares a return of payments and arrears which he is bound to forward to the Provincial Tax-office and Provincial Court for regulating the affairs of the peasantry

within a week after the term of payment has elapsed. At the same time he forwards to the local police a schedule of the arrears due, and the police proceeds to induce the defaulters to make good their arrears.

The mode of distress has been already described.

(*g.*)—*Government Redemption Stock.*

This consists, as already stated, of (*a*) 5 per cent. bank bills to be amortized in thirty-seven years; (*b*) Certificates of Redemption (redemption bonds) exchangeable gradually during three periods of five years each for 5 per cent. bank bills; and (*c*) of $5\frac{1}{2}$ per cent. rentes, respecting the amortization of which legislation will ensue in 1873.

The bank bills are issued under an Ukaz of 1859 in special series, and are amortized by special drawings, and are, together with the 5 per cent. certificates, guaranteed by the State as well as by the payments of the peasants.

The payment of interest due on the bank bills and certificates, the amortization of the bills and the repayment of debts due to the bank by the landed proprietors, are first of all effected out of the payments made by the peasants. The remainder of the payments received form a reserve fund, out of which the expenditure in connection with the redemption operation, as well as losses, &c., are made good.

With the permission of the Minister of Finance, the Redemption Board may increase the ratio at which the bills are drawn at their nominal price and purchase them on the Stock Exchange at their market value, for the account of the Redemption Reserve Fund.

The redemption certificates (bonds) are nominal, and can only be transferred with the same formalities as those which attend the transfer of real property, but without the payment of any duty.

The bank bills and redemption bonds run from the 1st February, 1st May, 1st August, or 1st November, according to which of these dates shall have followed the final grant of the redemption advance.

The interest on the certificates is payable half-yearly at all the District Treasuries, but it is not allowed to run for more than 10 years, when, if unclaimed, it is added to the sinking fund of the 5 per cent. Bills.

At the expiration of the first five years from the date at which the interest shall have become payable on any Redemption Certificate, one-third of the amount of such certificate is converted into 5 per cent. Bank Bills, and a new certificate is issued for the remaining two-thirds. Another third of the original amount of the certificate is paid at the expiration of a second period of five years, and the remaining third is similarly converted after a third quinquennial period. The conversion of the certificates is effected at the Provincial Courts for regulating the affairs of the peasantry.

III.—*The Rights and Obligations (Duties) of Peasant Proprietors.*

Peasants who have redeemed their allotments are freed from their relations of dependence towards the lord, and become *de facto* proprietors of the soil, with the following limitations of their proprietory rights.

(*a.*) During the first nine years (*i.e.*, until 1870) the communes cannot alienate the lands which they may have purchased.

(*b.*) After 1870 and before repaying the redemption advance, the alienation of such lands can only be permitted by the provincial Court for regulating the affairs of the peasantry on condition that the money received on account of such alienation be paid towards the extinction of the redemption debt on such land.

When the land is purchased by an entire commune it becomes the property of such commune, which thereupon has the right of repartitioning it among its members. But the original repartition, as well as all subsequent repartitions, can only be effected by a resolution of at least two-thirds of the peasants having a right of vote at the communal meeting.

With the consent of two-thirds of the peasants present at a communal meeting, the lands purchased (redeemed) may be broken up into family parcels, but until the Redemption Debt on such lands shall have been paid off, the resolution of the meeting must be certified by an Arbitrator of the Peace, who transmits a copy of the resolution to the provincial Court, which will confirm the repartition of the payments due in respect thereof by individual householders.

A peasant cannot cede his right of participating in the general possession of the

lands purchased by the commune except with the consent of such commune, which must likewise be obtained if any individual householder should desire to obtain the conveyance to him personally of his share of the land purchased by the community. But if such householder deposits at the District Treasury the whole of the redemption debt due on his parcel, the commune is bound to make the parcel over to him, and the householder becomes freed from any further payments in respect to the land thus purchased.

Until the whole of the redemption advance is repaid, family parcels purchased by individual householders cannot be broken up by inheritance, alienation, or in any other manner.

The Provincial Court for regulating the affairs of the peasantry may, however, authorize the repartition of extensive parcels, provided such repartition shall not render less secure the payments due in respect to the redemption advances.

Parcels of land purchased by individual householders, not by an entire community, become the property of such householders and descend by inheritance in accordance with local usages.

In the absence of heirs, such parcels are escheated to the village community within the boundaries of which the parcels are situated.

Parcels of land acquired by individual householders may be alienated on the following conditions.

(1.) Until 1870, such parcels can only be sold to a member of the same village community (whether already belonging to it or newly entering into it), on condition, however, that the purchaser shall undertake all liabilities in connection with the redemption advance.

(2.) After 1870, such parcels may be sold to other persons, provided the latter shall pay the whole of the redemption debt due thereon.

Until the repayment of the redemption advance due thereon, the lands purchased by communes or by individual householders, cannot be mortgaged or pledged as security, nor can the communes or individual householders, by leasing their lands, or in any other manner, prevent the Government from levying a distress in the order prescribed in case ef default, &c.

Any individual member of a commune may with its consent remove to any other commune on paying one-half of his part of the redemption debt. In this case the commune is liable for the remainder of his part of the debt.

He can remove his homestead or sell it on condition of removal within a term of six months; or he may sell it to the member of the commune on whom his parcel may devolve.

If one-third of the members of a commune shall have left it on the above conditions, without having been replaced by others, no further members can be allowed to leave the commune without paying the whole of their share of the redemption debt, and except the permission of the Provincial Court be given to such effect.

Nor can any member of a commune be released from it without the consent of the same Court if the commune is in arrears in respect to the redemption advance.

Any individual housholder who may have purchased (redeemed) his allotment with the aid of the Government, is free to leave the commune, but unless he shall have repaid the redemption debt due on his parcel, he must sell the latter to a purchaser who will undertake to pay the balance of the redemption debt still due.

Male peasants belonging to the family of a householder who shall have redeemed his land must have the consent of such householder before they can leave the village community.

The foregoing regulations in respect to the migration of the peasantry do not apply to female peasants, unless they shall be in possession of parcels burdened with a redemption debt.

APPENDIX 2.

Abstract of the Law of Communal and Cantonal Organization.

THE Imperial Ukaze of the 19th February 1861, ordered the "organization of a communal administration on the seigneurial lands," and with that object left the "rural communers in their present form." The commune of which the history has

been traced in the body of this Report, and of which the form and attributes were more or less Conventional while the peasantry were serfs, was by the Emancipation Act transformed into a corporate body recognized and authorized by the State, and responsible to it in respect to all the public liabilities of its members. The law enacts that "each village community, whether the tenure of its lands be communal or individual (hereditary), is responsible by a reciprocal bond* for each of its members, in respect to the accurate payment of Government, Provincial, and Communal taxes.† Thus bound, the commune was made the basis of an entire system of self-government which, by the agglomeration of communes, extends to the administration of cantons" (*Voloxti*).

The new legal commune is composed of "peasants established on the land of the same proprietor: it may consist either of an entire village, or of a detached portion of a hamlet, or of groups of small farms, habitations, &c., in close proximity to each other and enjoying in common, either a part of the lands &c. allotted or possessing other general economical advantages."

It is governed by a communal meeting and Starosta or Mayor, assisted by certain officers‡ the meeting being composed of all the male heads of families appertaining to the commune, and all the officers elected by it; the Starosta "occupying the first place and maintaining due order."

The head of a family (the patriarch of the old system) may be represented by a delegate, and families composed of many tiaglos (or abstract labour and tax units) may send two or more delegates to the communal meeting, provided such a course be not opposed to local usages.

Convoked by the Starosta§ (as far as possible on a Sunday or holyday), the communal meeting is competent to transact the following business:—

1. To elect the communal officers and representatives of the Cantonal meetings.
2. To expel from the commune any person who may be "vicious or pernicious."
3. To liberate members from the commune and to admit new members.
4. To appoint guardians and trustees, and to control their acts.
5. To sanction the division of families.
6. To regulate all matters relating to the communal usufruct of land, *viz., the* repartition of lands, the increase or decrease of the number of tiaglos, the final repartition of the communal lands in separate personal lots (*i.e.* when the peasantry should, by a majority of votes, demand the breaking up of the system of communal tenure.
7. To dispose of any allotment which may be vacant, whether the land be held communally or individually.
8. To discuss and make representations respecting the common requirements, the care of the poor, the instruction of children, &c.
9. To present complaints and petitions in the proper quarter, by the hands of elected delegates.
10. To levy taxes for the communal expenditure.
11. To assess the Imperial, local, and communal taxes among the members of the commune, as well as the contribution in service (carts, quartering of troops), and to keep the communal accounts of taxes and imposts.
12. To control the accounts of the communal offices, and to fix their remuneration.
13. To conduct all affairs relating to recruitment, as far as they may concern the commune.
14. To distribute the quit rent (obrok) or rent service by tiaglos, "souls" (heads of male population), or by any other customary process, where the rent is payable to the lord under the collective responsibility (frankpledge) of the entire community.‖
15. To adopt measures to prevent the accumulation of arrears, as well as for the recovery of arrears of taxes, &c., due.
16. To lend corn from the communal reserve, and otherwise to afford assistance.
17. To execute powers of attorney.
18. To conduct and settle all matters that may, under the Emancipation Act, require the consent and permission of the commune.

* "Caution solidaire."

† Communes within the same Canton may unite for the purposes of such collective responsibility.

‡ The officers are: tax-gatherers, inspectors of grain-stores (reserves in case of famine), of schools, hospitals, &c., where such exist.

§ A justice of the peace or local lord has a right of ordering the "starosta" to convoke a meeting of the commune.

‖ *i.e.*, where the peasants have not yet redeemed their allotments or accepted the "beggar's allotment."

All these matters are decided by majorities of those who may be present, but no meeting is legal for the purposes above specified unless it be attended by the starosta and at least half the members of the commune. Certain questions are, however, excepted from decision by a bare majority of votes, and require the assent of at least two-thirds of the peasants present.

Those questions are as follows:—

1. The conversion of communal into individual tenure.
2. The conversion of the communal lands into perpetual freehold allotments.
3. The repartition of communal lands.
4. The raising of sums by voluntary contributions for communal purposes, and the employment of the communal funds.
5. The expulsion of "vicious" peasants from the commune, and the "placing of such peasants at the disposal of the Government."

The administrative functions of the communal chief (starosta) are exercised within the limits of the attributes of the communal meetings. His judicial powers do not extend beyond the infliction of 1 rouble (2*s.* 8*d.*), imprisonment for two days, and labour in works of public utility in cases of trifling importance within his own commune.

The constitution and functions of the Cantonal Administration (Volestnoé Fravlenié), founded on the communal organization, may be briefly described as follows:—

The Cantonal Administration consists—

1. Of the Cantonal Meeting;
2. Of the Cantonal Starshina (elder).
3. Of the Cantonal Council (réyence).
4. Of the Cantonal Tribunal.

The Canton itself is composed of communes situated within the same district of a province, and must embrace a population of at least 300 males, and not more than about 2,000 "souls." The villages situated within a Canton must not be at a distance beyond 8 miles from the seat of the Cantonal Government.

(1.)—*The Cantonal Meeting.*

This is composed of the communal and Cantonal officers and of peasants elected by each village or hamlet belonging to the Canton, in the proportion of one delegate for every ten householders, but in matters relating to recruitment all peasants who are liable to be draughted, as well as their parents or guardians, have the right of attending the Cantonal meeting.

It transacts the following business:—

1. The election of Cantonal officers and of the judges of the Cantonal tribunal.
2. All matters relating to the economical and public interest of the Canton.
3. Measures of public relief, the establishment of schools, the care of the Cantonal reserves of corn.
4. The presentation of petitions in the proper quarter by chosen delegates in matters relating to the Canton.
5. The imposition and distribution of taxes and liabilities due from the entire Cantonal community.
6. A control of the actions and accounts of the Cantonal officers.
7. The verification of recruitment rolls and the selection of peasants to serve as recruits.
8. The execution of powers of attorney to persons charged with representing the affairs of the Canton.

In order to constitute a legal Cantonal Meeting, two-thirds of the peasants entitled to a vote must be present, as well as the Cantonal elder or his substitute, and all questions are decided by a majority of votes.

An appeal from the decision of the Cantonal Meetings lies to the local Arbitrator of the Peace,* who transmits the appeal to the Sessions of Arbitration.

* An officer created by the Emancipation Act, and to which was assigned the duty of carrying out its provisions, drawing up the "settlement deeds," conveying the peasant allotments, marking their boundaries, and generally of acting as arbitrator between the lord and the peasant. The Arbitrators are accountable to the Sessions, and the latter to the "Provincial Board for Regulating the Affairs of the Peasantry."

(2.)—*The Cantonal Elder.*

The functions of the Cantonal Elder, who is elected at a cantonal meeting, and confirmed in his appointment by the district Arbitrator of the Peace (who causes him to take an oath of faithful service), are of great importance. He is responsible "for the preservation of order, tranquillity, and decorum" within the canton, and all the communes, as well as the officers and individual members thereof, are subject to his authority. His duties are defined under two heads :—

(1.) Police.

(2.) Communal matters.

Under the first head, his functions are very similar to those of the French "Commissaire de Police." He notifies and carries out the orders of the rural police, acts as sheriff's officer, goaler, and generally as executive officer of the district sessions of arbitration.

In respect to his functions as the servant of the commonwealth, he presides over the cantonal meetings, and has generally the powers of a communal chief on a larger basis, but no greater authority than the latter in the punishment of small delinquencies.

(3.)— *The Cantonal Council.*

This is a kind of standing committee composed of the chiefs of dependent communes and of tax-gatherers. It expends the cantonal funds in conformity with estimates previously passed at cantonal meetings; it conducts the sale of the personal property of peasants at the pursuit of the Crown, the lord, or any private individual, except in cases which are subject to the jurisdiction of the general laws of police; and it has the power of appointing or removing peasants who have been hired to fill certain offices.*

The council also keeps a register in which, at the desire of the parties, contracts and other legal instruments (involving a sum of not more than 300 roubles) are recorded and legalized. It also preserves the minutes of business transacted at the Cantonal meetings.

(4.)—*The Cantonal Tribunal.*

Four to twelve judges, elected annually at a Cantonal meeting, constitute the Cantonal tribunal which meets once a fortnight, or oftener if required, and must on such occasions be composed of at least three judges. The latter sit by turn, or they may be elected for a whole year. In the former case only, the Cantonal meeting may remunerate the judges for their services.

The competency of the tribunal is limited to the trial of disputes and actions between peasants of the same Canton and to small delinquencies committed by them.

The judgment of the tribunal is final in all matters not involving a sum of more than 100 roubles (13*l.* 6*s.*), unless the plaintiff and the defendant should desire to be bound by its decision.

In certain cases the suit may, at the desire of one of the parties, be removed to the ordinary tribunals of the country.

Except in cases connected with the commission of any crime, the peasantry of a Canton may decide their differences by arbitration, without the observance of any formalities beyond the registration of the judgment of the arbitration in the Record Book of the Cantonal Tribunal.

As regards delinquencies, the Tribunal is competent to try and punish the peasants of the Canton for any small offence not amounting to a crime which may be brought to its notice by the plaintiff (or by his parents if he be a minor), by the Cantonal elder, by his assistant, or by a Communal Mayor ("Starosta"), or even by a witness, if the injured party be unable to come forward.

Should the latter not belong to the peasant class, he may seek redress before the ordinary tribunals.

The punishments which the Cantonal Tribunal is competent to inflict are as follows :—

(1.) Six days' labour on works of public utility.

(2.) A fine not exceeding 3 roubles (8*s.*).

(3.) Imprisonment for not more than seven days.

* Such as inspectors of grain-stores, keepers, watchers, communal and cantonal writers, &c. All other officers are elected for a period of three years, except the tax-gatherers, who can only be called upon to serve one year.

(4.) Up to twenty strokes with a rod.

Peasants who have reached the age of 60, the communal and cantonal officers, men who have worthily filled public offices, and peasants who shall have passed through a course of instruction at a district school, or other scholastic establishment, are exempt from corporal punishment.

The communal and Cantonal officers are subject to the jurisdiction of the Arbitrators of the Peace (and by the District Sessions of Arbitration), by whom they can be reprimanded, fined, or removed.

Appendix 3.

Abstract of Ukas of January 1, 1864, *for the Organization of "Territorial Institutions."*

Section I.—Object and Attributes of the Institutions.

1. Provincial and district institutions, the composition and mode of action of which are hereinafter detailed, are hereby established for the administration of affairs relating to the local domestic welfare and requirements of each province and each district.

2. Those affairs are:—

(1.) The administration of the property, moneys, and taxes appertaining to the rural (territorial) body.

(2.) The construction and maintenance of buildings belonging to the rural body, of works and ways of communications undertaken at the expense of that body.

(3.) Measures for securing the population against famine.

(4.) The administration of rural beneficent institutions and other measures of public charity; the means of abolishing pauperism; the care and the construction of churches.

(5.) The administration of affairs relating to the mutual insurance of property.

(6.) The care of the development of local trade and industry.

(7.) Participation (principally in a domestic respect, and within the limits defined by law), in the care of popular education and of the public health, and also in the administration, &c., of prisons.

(8.) Co-operation in preventing disease among cattle, and likewise in preserving young corn and other plants from destruction by locusts, by the marmot and other noxious animals and insects.

(9.) The fulfilment of demands made by military and civil authorities, and participation in postal matters.

(10.) The distribution of such taxes of the State as may be laid on the provinces and districts by Imperial authority.

(11.) The ordering, the distribution, the levying, and the expenditure of local taxes for provincial and district requirements.

(12.) The submission, through the provincial authorities, to the Superior Government, of information and of resolutions respecting matters of local, domestic advantage and requirements, and solicitations in regard to such matters, likewise through the provincial authorities; also the supply of information relative to rural economy when demanded by the Superior Government institutions and the governors of provinces.

(13.) The election of persons to fill the offices created by the Territorial Institutions, and the appropriation of moneys for their maintenance.

(14.) Matters that may be referred to the Institutions by special ordinances or laws.

3. The action of the Institutions is limited to the province or the district of each assembly.

4. The Institutions are charged with the consideration, determination and execution of all lawful measures indispensable for the conduct of affairs entrusted to those Institutions.

5. The Institutions have the right of acquiring and alienating in the name of the Rural (territorial) Body, in conformity with the general civil laws of the empire, any moveable or immoveable property whatever, to make contracts, undertake obligations, to enter actions at law, and to defend suits in civil courts in matters appertaining to the Rural Body.

6. The Institutions act independently within the limits of the matters committed to them. The law determines the cases and the manner in which their acts and

orders are liable to the confirmation and inspection of the general authorities of the Government.

7. In their enactments and arrangements the Institutions cannot go beyond the limits herein assigned to them; they therefore do not meddle in matters appertaining to the authorities and institutions of the Government, or of any class or body. Any resolution contrary to this rule is declared null and void. The Institutions are subject to legal responsibility for exceeding their authority, for acts contrary to existing laws, for non-fulfilment of demands made by local authorities founded on the law, for irregular arrangements in domestic matters, and for any loss or oppression inflicted on any community or individual.

9. The Chief of the Government (Governor of the Province) has the right of arresting the execution of any resolution of the Institutions contrary to the law or to to the general interests of the empire, in accordance with rules hereinafter stated. The Minister of the Interior, on his part, may, during the interval between two meetings of an assembly, suspend a resolution contrary to the laws or to the advantage of the empire, informing the assembly thereof at its next meeting. His further action in such cases is defined in another paragraph.

10. Should the Institutions not make arrangements for the fulfilment of such obligations (payment of taxes, &c.), as may be legally imposed on them, the Chief of the Province (in case his representation be unheeded) shall proceed, with the sanction of the Minister of the Interior, to inflict executive measures at the expense of the Rural Body.

11. The Institutions may, with regard to the arrangements of the Chiefs of Provinces and the superior administrative authorities, present complaints to the First Department of the Ruling Senate. Such complaints must be forwarded before the convocation of the Assembly next to that to which the complaint refers.

Section II.—Formation of the Institutions.

1. *Their Composition.*

The District Institutions are, the District Assembly and the District Court.

The District Assembly is composed of representatives elected (*a*) by the proprietors in the district; (*b*) by town communities, and (*c*) by village communities, at meetings of those several classes.

The following persons are disqualified from taking part in those electoral meetings:—

(*a.*) Persons under 25 years.

(*b.*) Persons under criminal judgment or trial.

(*c.*) Persons dishonoured by criminal trial or by public condemnation.

(*d.*) Foreigners who are not Russian subjects.

Women and minors may be represented by persons holding their powers of attorney, or by near relatives.

Charitable institutions, commercial companies, and other bodies possessing immoveable property, and qualified for a vote, may be represented by deputy.

No person can have more than two votes at an electoral meeting: his own by personal right, and a second by procuration.

At the district electoral meetings of landed proprietors, the power of voting is exercised by—

(*a.*) Persons possessing land in freehold within the district to the extent shown in a table annexed to the ukaz.

(*b.*) Persons holding other immoveable property within the district of a minimum value of 15,000 roubles (2,000*l.*); likewise those possessing factories or any description of industrial establishment, if not less than the above value, or producing yearly to the minimum extent of 6,000 roubles (800*l.*)

(*c.*) Persons acting by procuration for landed proprietors, companies; and

(*d.*) Persons empowered by several landed proprietors, companies, or any other bodies, possessing within the district land below the extent required as a qualification for a vote, but forming not less than a twentieth part of it.

(*e.*) Persons acting by procuration for servants of the church, possessing church land to the extent required by law.

Observation.—Peasants who may have acquired freehold property to the extent established in the table, showing the property qualification for each province, may take part personally or by deputy in the electoral meetings of landed proprietors.

The number of deputies to be elected is regulated by the quantity of land in each district, and is laid down in a separate table.

(Peasant allotments, purchased in freehold, are alone excluded from the total of the land held by any proprietor, *i.e.*, he can vote for land of which he may have only ceded the perpetual usufruct.)

The district electoral meeting is convened by the District Marshal of Nobility, who also presides over it.

2. *Town Electoral Meetings.*

The following persons take part in the Electoral Meetings in towns held under the presidency of their Mayors:—

(*a.*) Persons having licences as merchants.

(*b.*) The proprietors of factories or other industrial establishments, situated on town lands, and returning a minimum capital of 6,000 roubles (800*l.*)

(*c.*) Persons holding immoveable property on town lands rated for taxes—in towns of more than 10,000 inhabitants at a minimum of 3,000 (400*l.*); in towns of 2,000 to 10,000 inhabitants not under 1,000 roubles (1,330*l.*), and in all other towns not under 500 roubles (67*l.*).

(*d.*) Deputies from householders and others in towns.

3. *Electoral Meetings in Villages.*

These are composed of electors chosen by the peasants of the Volosti (Cantons), assembled by the District Justice of the Peace, who invites the peasants to appoint a President, and decides any disputes that may arise among the electors. The electors must not exceed in number one-third of those who have a right to take part in the cantonal meetings; taking care that each village community be represented at least by one elector.

The number of representatives to be elected is determined by the number of villages in each district, the amount of its population and the extent of the lands held by the peasants in freehold.

Should an Electoral Meeting be attended by less than the number of representatives to be chosen, the electors present are declared representatives.

4. *Qualifications of Representatives.*

(*a.*) The district electoral meeting of landed proprietors can elect members of that body.

(*b.*) The town electoral meetings may elect qualified members of those meetings, not excluding such landed proprietors as may have a right to take part in the town electoral meetings.

(*c.*) The village electoral meetings can elect peasants, members of the electoral meetings of landed proprietors, or the local orthodox clergy and church servants, generally.

Observation.—The Governors of Provinces, Vice-Governors, Provincial and District Procurators and Lawyers, and members of the Local Police, cannot be elected as Representatives.

The assemblies, when constituted, exercise a supervision over the electors, as to their legality and the number of Representatives sent, &c.

The representatives are elected for three years, at periods appointed by the Minister of the Interior.

No pay or official rank is attached to the office of a representative.

(*Observation.*)—The Minister of the Crown Domains and the Minister of the Appanages may appoint one to three Representatives in districts containing Crown lands not held by peasants.

The assemblies, to be legal, must be composed of at least one-third of the total numbers of deputies, and in any case of not less than ten members.

Section III.—Assemblies.

1. *District Assemblies.*

The District Assemblies are presided over by the District Marshals of Nobility. The District Court (Zemskaya Uprasa) is composed of a president and two members, elected by the Assemblies for three years. The numbers may be increased to six.

Observation.—Certain officials connected with the Treasury and Law Courts (excepting the new Justices of Peace) and the Clergy cannot be elected members of this Court.

The President of the District Court is appointed by the Assembly, and confirmed by the Governor of the province.

2. *Provincial Assemblies and Courts.*

The Provincial Assemblies are composed of representatives elected for three years by the District Assemblies. Their number is regulated by the number of representatives in each district.

Observation.—The Presidents of the Courts of Crown Lands sit in these Assemblies.

The Provincial Court is composed of a President and six members, chosen for three years by the Provincial Assembly. The payment of the members of the Court is optional with the Assemblies. The President is elected by the Assembly and confirmed by the Minister of the Interior.

3. *Functions and Competency of the Assemblies.*

The Provincial Assemblies are charged with the administration of such rural matters specified in Article II, as refer to the whole province or to several of its districts.

The following matters are also within their competency:—

1. The distribution of buildings, houses, roads, taxes, charitable institutions between the Provincial and District Assemblies, and changes in such distribution.

2. Matters relating to the establishment of new fairs, alterations of the dates when such fairs are to be held, and changes in the place of holding them.

3. The establishment of new wharves on navigable rivers and the removal of old wharves.

4. Petitions to place certain roads under the charge of the Government.

5. Mutual insurance of property against fire.

6. The distribution of the State taxes among the Districts.

7. The examination and settlement of any difficulties that may arise in the preparation of estimates and the distribution of direct taxes.

8. Examination of complaints against the District Courts.

The District Assemblies are charged with administration of matters appertaining to each separate district.

The following matters are also within their competency:—

1. The distribution of the State taxes among the population of the District.

2. The preparation of preliminary Reports for the settlement of the Provincial estimates with reference to the extent and mode of assessing provincial taxes; which Reports are to be presented to the Provisional Courts.

3. The supplying of information and resolutions to the Provincial Assemblies relative to domestic affairs.

4. Permission to hold public sales and bazaars.

5. Village and district roads, distinctions between, &c.

6. Tow paths along rivers.

7. Local arrangements and supervision at the instigation of the Provisional Court, in matters relating to the competency of the former.

The Assemblies possess, an administrative power and a general supervision over affairs. The Courts are charged with the executive, and generally with a closer supervision of affairs relating to the rural body.

The Provisional Assemblies may issue ordinances locally obligatory within each province, and the District Assemblies may issue instructions to the Courts of the several districts and to all persons in authority under them, with reference to the execution of the ordinances of the Provincial Assemblies, and in conformity with the general laws of the Empire and the present Ukaz.

The Assemblies and Courts cannot carry into execution without the confirmation of the local or superior authorities such of their resolutions as may require confirmation by law.

SECTION IV.—PERIODS OF MEETING AND FORM OF TRANSACTING BUSINESS AT THE ASSEMBLIES.

The Provincial and District Assemblies meet once a year; the Districts not later than September, the Provincial Assemblies not later than December.

The District Assemblies sit ten days, the Provincial twenty days, but the sessions may be prolonged on petition (the Provincial by the Minister of the Interior, the District Assemblies with the sanction of the Governor of the province.)

The Minister of the Interior may convene extraordinary assemblies.

The Provincial Assemblies are opened and closed by the Governor of the province in person, the District Assemblies by the District Marshals of Nobility.

The members of these Assemblies are required to take the oath usually administered to those who enter the service of the State. The resolutions of the Assemblies are legally binding only when one third of the representatives, of whom the Assemblies are composed, were present when the resolution was carried, and at all events not less than ten.

No member has more than one vote. Votes cannot be given by deputy. Elections and dismissals from service or impeachments of members are decided by ballot; all other questions by open voting. The Assemblies will frame the necessary rules in both cases.

All questions are decided by a majority of votes. The President has the casting vote in case of an equality of votes.

Appendix 4.

Table showing the Number of Landed Proprietors and Serfs in Russia, and the Quantity of Land held by them, severally, prior to 1861.

Provinces.	Number.		Dessiatinas of Land.				
	Landed Proprietors.	Serfs.	Held by * Proprietors.	Occupied by Serfs.	Total.	Average. To one Proprietor.	Average. To one Serf.
Astrakhan	36	5,722	36,008	45,757	81,765	1,000	8·0
Wilna	2,096	179,188	1,871,235	527,784	2,399,019	895	3·0
Witebsk	1,529	208,868	1,704,029	826,415	2,530,44[illegible]	1,185	3·9
Vladimir	2,635	313,818	916,891	1,289,096	2,205,98[illegible]	347	4·1
Vologda	1,256	99,129	1,112,434	500,865	1,613,29[illegible]	806	5·0
Volhynia	2,275	336,158	3,629,703	1,205,785	4,835,48[illegible]	1,595	3·6
Varonej	2,475	225,297	1,151,803	730.487	1,882,290	465	3·2
Viatka	87	16,850	86,214	67,653	1,153,867	991	4·0
Grodno	1,564	162,909	1,480,465	417,566	898,331	945	2·6
Country of Don Cossacks	2,911	140,802		500.106	..	..	3·5
Ekaterinoslaf ..	2,297	134,560	2,558.989	533,452	3,092,441	1,114	4·0
Kazan	854	95.242	613,153	361.384	974 537	718	3·8
Kaluga	2,418	269.824	870,325	960,481	1,831,306	360	3·5
Kief	1,388	530,629	2,158,758	1,072,282	3,231,040	1,553	2·0
Korono	1,542	159.350	1,921,005	541,822	2,462,827	1,248	3·4
Kostroma	3,247	277,818	1,752,418	1,418,883	4,171,301	539	5·1
Kursk	5,363	281.841	916,425	804,109	1,720,534	171	2·8
Minsk	1,878	265,305	4,429,725	1,244,021	5,673,746	2,356	4·7
Mohilef	2,023	269,975	2,308,011	1,261,891	3,569,902	1,142	4·7
Moscow	2,299	283,482	710,167	922,867	1,633.034	306	3·3
Nijni-Novgorod ..	1,384	337,974	1,031,977	1,321,125	2,353,102	747	3·9
Novgorod	4,232	187,647	3,190,879	1,081,707	4,272.586	754	5·8
Olonets	208	5,026	379,331	35,182	414,513	1,826	7 0
Orenburg and Ufa ..	706	60,819	919,222	293,208	1,212,430	1,302	4·8
Orlof	3,732	307,675	1,112.391	1,062,765	2,175,156	298	3·4
Penza	1,969	248,529	796,119	836,851	1,632,970	404	3·4
Perm	33	171,910	5,770,195	1,051,933	6,822,128	174,854	6·1
Podolia	1,454	474,544	2,237,963	639,612	2,877,575	1,543	1·4
Poltava	7,053	285,617	1,301,658	806,094	2,107,752	814	2·8
Pskof	1,927	175.111	1,571,491	885,521	2,457,012	814	5·0
Riazan	5,134	357,400	980,762	1,082,872	2,063 634	191	3·0
Samara	852	103,481	1,228,304	538,530	1,766,834	1,442	5·2
St. Petersburgh ..	1,339	114,910	1,514,003	545,610	2,059,613	1,130	4·7
Saratof	2,463	301,252	1,956,504	1,346,168	3,302,672	795	4·4
Simbirsk	1,600	202,008	1,008,097	735,914	1,744,011	630	3·6
Smolensk	5,209	343,433	1,560 152	1,412,371	2,972,523	300	4·1
Stavropol	84	6.848	116,420	82,176	198,596	1,386	10·5
Taurida	303	17,876	1,079,741	108,080	1,187,821	3,563	6·0
Tambof	3,164	331,182	1,352,223	1,041,326	2,393.549	427	3·1
Toer	3,470	341,381	1,359,825	1,453,399	2,813,224	392	4·3
Jula	3,860	363.918	958.929	1,072,444	2,031,373	248	2·9
Kharkof	3,017	185,894	1,295,908	638,936	1,933.942	429	2·9
Kherson	2,591	129,597	3,329,364	522,608	3,851,972	1,285	4·0
Tehernigof	4,238	240,721	1,193,545	954,898	2,148,443	281	3·9
Taroslaf	2,793	243,643	948,733	996,980	1,945,713	340	4·1
	103,158	9,795,163	69,421,094	35,779,014	105,200,108	261,673	3·6

* Not including domestic serfs.

APPENDIX 5.

TABLE showing, approximately, the present Distribution of Cultivable Lands in Russia.*

Provinces.	Total Cultivable Lands.	Town Lands.	Crown Lands in excess of Peasant Allotments.	Appanage Lands in excess of Peasant Allotments.	Lands attached to Mines (Government and Private).	Peasant Lands.			Lands of Landed Nobility or Gentry.	Lands of other Private Proprietors.	Sundry Proprietors.	
						Ex-Crown Peasants.	Ex-Appanage Peasants.	Ex-Serfs.				
	Dessiatinas in Thousands (approximately).											
Archangel	68,951	51·5	60,370	1,572	...	291	117	...	...	...	...	
Astrakhan	20,493	35·2	1,334	3	...	2,657	11	17	65	8,315	8,039	Calmuck Tartars.
Bessarabia	3,296	17·8	39	...	...	280	...	?	2,275	242	443	Colonists.
Wilna	3,854	12·3	454	...	...	519	...	793	1,606	449	20	Crown Jews.
Vitebsk	4,152	25·5	404	...	...	325	...	877	1,653	113	53	Private and Government.
Vladimir	4,333	34·1	256	143	32·5	861	170	401	1,805	624	...	
Vologda	36,251	32·1	27,847	1,117	123·1	3,619	274	134	1,479	3,130	...	
Volhynia	6,525	28·5	860	...	...	375	...	1,495	2,134	1,606	25	In dispute.
Voronej	6,101	27·9	151	...	...	3,303	...	349	802	1,467	...	
Viatka	13,130	26·6	4,139	178	1,834·4	7,171	285	43	111	...	...	
Grodno	3,484	64·1	724	...	...	566	...	619	1,279	222	10	Crown Jews.
Ekaterinoslaf ...	6,205	72·9	50	16	38·8	1,735	...	308	2,784	925	136	Colonists.
Kazan	5,708	47·7	1,137	42	3·7	3,438	67	188	787	...	...	
Kaluga	2,884	22·9	80	...	205·2	463	...	378	1,454	281	...	
Kief	4,659	50·6	406	...	...	421	...	1,294	1,937	488	62	Church.
Kowno	3,711	14·2	377	...	...	611	...	677	1,785	183	62	Government and private.
Kostroma	7,304	42·3	1,144	476	...	668	308	467	3,705	495	...	
Kursk	4,172	17·2	24	...	...	1,887	...	349	1,371	522	...	
Minsk	8,177	31·4	820	...	...	242	...	1,450	4,223	2,409	...	
Mohilef	4,877	18·6	213	...	...	205	...	1,269	2,301	870	...	
Moscow	3,072	13·0	39	56	...	818	82	335	1,298	481	...	
Nijni-Novgorod ...	4,653	29·9	521	98	170·6	848	117	812	2,041	516	...	
Novgorod	10,452	47·5	638	799	...	1,846	165	520	3,753	2,836	347	
Olonetz	11,980	40·7	8,547	20	1,164	777	9	15	399	328	...	
Orenburg and Ufa ...	24,549	26·2	207	112	2,232	2,144	162	250	963	17,717	95	
Orel	4,380	25·9	235	89	11·7	998	146	406	1,770	700	...	
Penza	8,472	21·9	166	...	4·4	1,313	...	450	1,183	354	...	
Perm	30,872	39·6	8,937	101	10,604	4,408	90	211	6,611	...	...	
Podolia	3,885	40·3	239	...	...	379	...	1,131	1,747	315	34	Jews,
Poltava	4,550	17·1	20	18	...	369	...	379	1,728	1,075	943	Cossacks.
Pskof	4,023	24·4	60	...	...	739	...	331	2,136	704	38	Government and private.
Riazan	8,838	7·3	95	...	...	932	...	404	1,660	715	24	Ditto.
Samara	14,582	34·9	1,758	768	...	4,743	885	229	1,538	4,349	276	Colonists.
St. Petersburgh ...	4,133	12·7	313	137	...	379	101	294	1,766	1,130	...	
Saratof	7,495	246·1	29	95	...	2,266	182	620	2,682	894	478	Ditto.
Simbirsk	4,452	44·4	17	1,015	...	190	1,065	335	1,409	374	...	
Smolensk	5,171	32·5	123	...	...	549	...	685	2,287	1,504	...	
Taurida	5,573	58·7	983	3	...	1,246	...	63	1,124	2,093	152	Ditto.
Tambof	6,058	36·1	524	...	60	2,260	...	481	1,912	633	...	
Tver	5,834	19·1	191	201	...	1,228	156	660	2,153	1,226	...	
Tula	2,812	13·9	44	...	0·6	394	...	316	1,715	327	...	
Kharkof	4,983	25·6	295	...	...	2,236	...	432	1,502	492	...	
Kherson	8,584	120·7	530	...	...	1,243	...	354	3,498	453	386	Ditto.
Chernigof	4,796	42·8	274	...	...	766	0·2	605	1,544	1,464	...	
Yaroslaf	3,132	21·2	69	3	...	562	...	234	1,711	541	7	Government and private.
Total	425,737	1,710	125,787	7,055	16,950	62,667	4,396	21,336	83,530	90,365	11,902	

* This Table, like the preceding one, has been extracted from an excellent work in course of publication, by Colonel Obruchef, "The Magazine of Military Statistics," vol. iv. (Voenno-Statisticheski Sbornik.)

APPENDIX 6.

STATEMENT showing the Progress of the Peasant Redemption (Purchase) of Land in Russia Proper under the Emancipation Act of 1861 and Supplementary Rules of 1862.

Date.	Number of Transactions.		Number of Peasants who have become Proprietors.	Quantity of Land Purchased.		Redemption Advance made by Government.			
	Submitted for Confirmation.	Confirmed.		Total.	Per Male.	Total.	Per Dessiatina.	Per Acre.	
				Dessiatinas.		Roubles.	Rs. c.	£ s. d.	
1862	2,776	1,568	193,161	675,990	3½	20,687,293	30 69	1 8 7¾	
1863	7,394	6,174	763,019	2,459,757	3¼	78,086,341	31 74	1 9 7	
1864	8,336	9,352	964,278	3,057,371	3¼	97,347,828	31 84	1 9 8	
1865	5,501	5,946	498,720	1,693,533	3½	52,633,935	31 08	1 9 0	
1866	6,033	5,456	385,068	1,337,251	3½	41,660,561	31 15	1 9 1	
1867	4,135	4,723	319,492	1,145,962	3½	34,877,981	30 43	1 8 4	
1868	4,556	3,802	244,327	879,605	3½	26,881,080	30 56	1 8 6	
1869, to Nov. 1/13 ..	4,209	3,933	246,817	908,454	3½	27,574,718	30 35	1 8 3	
					Average		Average		
Total	42,940	40,954	3,614,882	12,155,923	3·36	379,749,737	31 24	1 9 2	
				Acres.	Acres.	£			
				34,765,940	9·61	50,633,298			

APPENDIX 7.

TABLE showing the Quantity of Land Redeemed (Purchased) by the Russian Peasantry (exclusive of those in the North-Western and South-Western Provinces), and the Average Price paid per Acre in the several Provinces.

Province.	Maximum Land Allotment per Male.		Legal Maximum Quit-Rent per Annum.					Quantity of Land actually Redeemed by Peasantry.			Average Price.		Annual Redemption Payment 6 per Cent.	
	Per Male.						Approximate per Acre.							
	Dessiatinas.	Average Acres.	Rs. c.	s. d.		s. d.	s. d.	Dessiatinas.	By Male Peasants.	Dessiatinas per Male.	Per Dessiatina.	Per Acre.	Per Dessiatina.	Per Acre.
									Number.		Rs. c.	s. d.	Rs. c.	s. d.
Astrakhan ..	10 to 12	31½	0 0	..		24 0	0 9	18,231	1,767	10⅓	10 36	9 8	0 62	0 7
Wladimir ..	3¼ 4½	11½	9 10	24 0 to	26 8	2 3		430,644	112,794	3¾	30 72	28 8	1 84	1 9
Vologda ..	4½ 7	15	9 0	..	24 0	1 7		141,418	27,413	5	22 28	20 9	1 34	1 3
Voronej	3 4	10	9 0	..	24 0	2 4		314,405	124,065	2½	38 49	35 11	2 31	2 2
Viatka	4 7	13	8 0	..	21 4	1 7		28,633	8,902	3	29 28	27 4	1 76	1 8
Ekaterinoslaf ..	3 4½	11½	9 0	..	24 0	2 1		266,831	78,377	3½	31 11	29 0	1 87	1 9
Kazan	3 4	10	8 9	21 4	24 0	2 3		157,938	46,499	3½	32 15	30 0	1 93	1 10
Kaluga	3¾ 4	10	9 0	..	24 0	2 4		394,056	115,798	3¼	33 84	31 7	2 03	1 10½
Kostroma.. ..	4 6	14¼	9 0	..	24 0	1 8		487,448	99,083	4⅘	23 41	21 10	1 40	1 3½
Kursk	2⅘ 3½	8⅕	9 0	..	24 0	2 10		349,590	154,242	2¼	43 39	40 6	2 60	2 5
Moscow	3 3½	9¼	10 0	..	26 8	2 10½		360,471	125,185	2⅘	41 76	39 0	2 51	2 4
Nijni-Novgorod ..	3½ 5	12	9 10	24 0	26 8	2 1		313,405	884,023	3½	31 52	29 5	1 89	1 9½
Novgorod.. ..	5½ 7	16½	9 0	..	24 0	1 5		549,873	97,296	5½	21 99	20 6	1 32	1 2⅘
Olonets	7 0	20	8 0	..	21 4	1 1		14,847	2,136	7	14 88	13 11	0 89	0 10¼
Orenburg.. ..	5 7	17	9 0	..	24 0	1 5		41,918	6,450	6½	18 41	17 2	1 10	1 0
Orel	3 4½	10	8 9	21 4	24 0	2 3		424,839	133,201	3	34 32	32 0	2 06	1 11½
Penza	2¾ 4	9¼	8 9	21 4	24 0	2 5		413,388	143,899	2¾	35 82	33 5	2 15	2 0
Perm	5½ 7	17	9 0	..	24 0	1 5		9,632	1,802	5⅓	21 53	20 1	1 29	1 2½
Psko	4½ 6	14¼	8 9	21 4	24 0	1 7		354,103	72,863	4⅘	22 04	20 7	1 32	1 3
Riazan	2¾ 4	8½	9 0	..	24 0	2 10		416,794	148,109	2⅘	39 11	36 6	2 35	2 2
Samara	4 12	20	9 0	..	24 0	1 2		169,445	36,508	4⅘	24 49	22 10	1 47	1 4
St. Petersburgh ..	3¼ 5½	11½	10 12	26 8	32 0	2 6½		315,769	69,280	4½	26 83	25 0	1 61	1 6
Saratof	4 7	13	9 0	..	24 0	1 10		496,597	132,524	3½	28 07	36 2	1 68	1 7
Simbirsk	3¼ 4	10	9 0	..	24 0	2 4		308,470	102,430	3	34 02	31 9	2 04	1 11
Smolensk.. ..	3¾ 4½	11½	8 9	21 4	24 0	1 11½		701,112	173,656	4¼	26 83	25 0	1 61	1 6
Taurida	3 6½	17	9 0	..	24 0	1 5		52,448	8,329	6¼	19 06	17 9	1 14	1 1
Tambof	3 3½	9¼	8 9	21 4	24 0	2 5		470,947	174,158	2¾	37 66	35 1	2 26	2 1
Tuer	4 5	12	9 0	..	24 0	2 0		673,062	166,429	4	28 62	26 8	1 72	1 7
Tula	2⅘ 3¼	8½	9 0	..	24 0	2 10		358,132	132,114	2½	41 21	38 5	2 47	2 2½
Ufa	4½ 6	14¼	9 0	..	24 0	1 8		128,822	29,528	4¼	25 59	23 10	1 54	1 5
Kharkof	3 4½	10	9 0	..	24 0	2 4		410,490	157,070	2½	37 19	34 8	2 23	2 1
Kherson	3 5½	11½	9 0	..	24 0	2 1		335,337	87,134	3⅘	29 27	27 4	1 76	1 7
Taroslaf	3½ 5½	11½	10 0	..	26 8	2 11		254,639	67,299	3¾	33 78	31 6	2 03	1 11

APPENDIX 8.

TABLE showing the Progress of the Peasant Redemption (Purchase) of Lands under Special Enactments in 1863, applicable only to the North-West and South-West (old Polish) Provinces of Russia.

Date.	Number of Compulsory Sales submitted for Confirmation.	Number of Peasants who have become Proprietors.	Quantity of Land Purchased.		Redemption Debt on Land.			
			Total.	Per Male.	Total.	Per Dessiatina.	Per Acre.	
			Dessiatinas.		Roubles.	Rs. c.	£ s.	d.
1863	5	1,270	4,158	3¼	95,265	22 91	1 1	5
1864	846	68,714	265,523	3⅘	4,529,951	17 07	0 15	11
1865	3,803	316,992	1,234,748	3⅘	21,190,213	17 16	0 16	0
1866	4,411	457,172	1,606,127	3½	33,303,232	20 73	0 19	4
1867	4,123	462,070	1,543,851	3⅓	29,863,107	19 34	0 18	1
1868	7,138	608,481	2,145,556	3½	35,940,185	16 75	0 15	7
1869, to Nov. 1/13 ..	688	149,843	576'988	3⅘	9,036,262	17 39¾	0 16	2
				Average.		Average.		
Total ..	21,014	2,064,642	7,376,951	3·57	133,958,215	18 16	0 16	11
				Acres.	£			
				10	17,861,095			

Appendix 9.

FINANCIAL Balance Sheet of the "Redemption Operation" on November $\frac{1}{13}$, 1869.

	Russian Currency.	English Equivalent.		Russian Currency.	English Equivalent.
	Roubles.	At 32*d.* per Rouble.		Roubles.	At 32*d.* per Rouble.
		£			£
To debt of peasantry secured on their lands	487,174,281	64,956,570	By debt of landed proprietors to State Loan Banks	217,989,273	30,398,569
			By payments issued to landed proprietors, viz.:— Rs.		
			1. 5 per cent. bank bills 55,362,250		
			2. Redemption certificates at 5 per cent. 99,372,450		
			3. Rentes at 5½ per cent. 102,686,974		
			4. Cash at 5½ per cent. 1,763,334		
				259,185,008	34,558,001
	487,174,281	64,956,570		487,174,281	64,956,570

Appendix 10.

Memorandum on the Law of Land Tenure in Bessarabia.

By an Ukaz of July $\frac{14}{26}$, 1868, the tenure of the land in the province of Bessarabia is to be subjected to a law of which the full operation will commence in 1870. As the population for whom the new law has been enacted, namely, the Tsarané, a people of Latin race, numbering about 350,000 males, are not in the condition of serfs, and are even at present in the occupation of land as tenants under lords, a short review of the reform which the Imperial Government desire to introduce with the object of improving the condition of the Tsarané, cannot well be omitted from the present report.

The province, which once formed part of Moldavia, was originally colonized by immigrants from neighbouring countries, whom the native rulers encouraged, by exemption from taxation for a series of years, and other privileges, to settle on the lands of the boyars or aristocracy.

From the earliest times the landholders supplied the Tsarané with farms, on condition of the rent being paid in service, which consisted of 12 days' work in the year, and in a tithe of the produce which they raised; the proprietor reserving to himself, moreover, a monoply of the sale of spirits.

Attracted by the wounderful fertility of the soil,* and multiplied by the prosperity which it engendered, the population of the most favoured districts of Moldavia began at the early part of the present century to grow so dense, in comparison with the population of neighbouring countries, that the extent to which the landowners could be legally called upon to increase the territorial allotments of the rural population became an important question, and in the reign of Prince Murusi (1802 to 1804) a right of demanding a lease of land in return for service was granted to the peasantry, on condition, however, that such a right should not extend to more than two-thirds of the lord's manor.

By the Treaty of Bucharest in 1812, Bessarabia was annexed to Russia, and for some years Prince Murusi's Agrarian Law, which had been applied to that province, had been undisturbed.

In 1828, during the Russian occupation of Moldavia, Count Kisselef caused an organic law to be promulgated in that country regulating, principally, the amount of work which the peasant could be called upon to do during the 12 days specified in Prince Murusi's law.

Some years later, in 1834, Count (subsequently Prince) Woronzoff, introduced a

* The average yield of maize, which is principally grown in Bessarabia, is over 60, and frequently, as in 1869, 70 bushels to the acre (35 chetverts per dessiatina), without the application of manure, of which the use is almost unknown. By working on one day of the week the peasant can support himself for six days on the produce of his labour.

law into Bessarabia based on the principle of absolute freedom, both of land and labour, by which the settlement of the terms of tenancy was left to mutual arrangement between lord and peasant.

Count Kisselef's organic law, on the other hand, which continued to prevail in the neighbouring State of Moldavia, compelled the lord to lease and the peasant to rent land on terms specified by the law.

The Tsarané, however, having become almost nomadic in their mode of life, from the effect of Count Waronzoff's law, were endowed in 1846, for the purpose of attaching them to the soil, with the Moldavian right of demanding the lease of about 11 acres* of arable land for each family, with an additional plot of $5\frac{1}{2}$ acres for each couple of oxen kept by the tenant. The terms of occupation were permitted to be settled by mutual agreement, failing which, by a "normal contract" that admitted service in respect to the holder of 11 acres, nominally of 12 days', but in reality of of 36 days'† labour, and service at the same rate for the additional plot of $5\frac{3}{4}$ acres to which he might become entitled by each pair of oxen which he might own. The lord's rent was further augmented by a tenth of the produce raised on his land, and by the power of exacting four "simple day's labour," from dawn to sunset, during 4 days in the year. Including the advantages which the lord continued to derive from the spirit monopoly, his rental amounted in a money equivalent to about 4*s.* 8*d.* per acre.‡

In 1858, when measures were under consideration for the emancipation of the serfs in Russia Proper, the attention of the Government was directed to the condition of the rural population of the province of Bessarabia, the area of which had been somewhat reduced by the Treaty of Paris. A Commission was appointed to enquire into the question at the Imperial Home Office, but the project of settlement which it drew up was finally rejected in consequence of the objections made to it by the principal landowners in Bessarabia.

A revision to those proposals resulted, however, in the adoption of the law of July $\frac{14}{26}$ 1868, the provisions of which form the subject of the present memorandum.

The law in question obliges the lord to grant the perpetual usufruct (tenancy) to the Tsarané of the lands they at present occupy; and each family of Tsarané, whether in actual occupation of land or not, has acquired the right to claim an allotment within the limits of a maximum which varies in each of the seven districts of Bessarabia from 22 acres to $38\frac{1}{2}$ acres* per family, inclusive of the land occupied by homesteads; and failing a mutual agreement between the lord and the peasant as to rent, the Ukaz fixes that of arable land in each locality at 1*s.* 1*d.* to 2*s.* 4*d.* per acre‖.

The Bessarabian land tenure law not only takes within a maximum limit, the actual state of occupancy as the basis of the land expropriation, but it confers, also, on the Tsarané, whether now occupying land or no, the right of demanding from their lords, during a period of five years from the date of the "Settlement Deeds," which are to be drawn up in 1870, a grant of the tenancy of such additional allotments as the increase either of their number or their necessities may require; the law reserving to the lord, only the right of refusing to grant more than two-thirds of his arable land. Thus during a period of seven years from 1868, the law is calculated to keep the landed proprietor in a state of suspense as to the ultimate form and extent of his own estate, which, consequently, he cannot sell during the whole of that period; nor can he make improvements or raise money on it.

The State offers the same assistance which it affords in other provinces of Russia

* About 4 dessiatinas.

† The amount of work which the peasant could be called upon to do under the Organic Law in 12 days in reality amounted to 36 days' work.

‡ 5 roubles per dessiatina. The following is an approximate calculation of the value of the labour, &c. rendered by the Bessarabian tenant for an allotment of about 11 acres (3 falches) :—

Tythe valued at	3 roubles, or	£0	8	0
Spirits, licences for sale of	3 „ „	0	8	0
5 days' harvesting and carting	5 „ „	0	13	4
5 days' carriage of produce to market	6 „ „	0	16	0
2 days' mowing, half falche ($1\frac{1}{4}$ acres)	2 „ „	0	5	4
4 "simple days" at 25 copecks	1 „ „	0	2	8
Total	20 roubles, or	£2	13	4

§ 8 to $13\frac{1}{2}$ dessiatinas.

‖ 1 rouble 20 copecks to 2 roubles 50 copecks per dessiatina.

for the purchase of peasant allotments, and exactly on the same terms.* The law gives the lord power to compel his tenant to become a purchaser if he remains on the land, but if, on the other hand, the tenant occupier leaves the land, it must be assigned to the remaining tenants on the same terms. In other parts of Russia, the land reverts in similar cases to the lord, but the law of July 14, 1868, is expressly devised to prevent the reversion of any land to the lord whom it thus deliberately and effectively deprives of two-thirds of his estate at a compensation of about 1*l.* 6*s.* for an acre of which the produce can be sold on the spot for 3*l.* 18*s.*

The landed proprietor can only escape such an expropriation if he happen to be a Jew, for under the laws of the Empire, persons of the Hebrew persuasion cannot hold lands on which Christians are settled.

It is difficult to see the object of such exceedingly harsh treatment of the landed proprietors. Among other inconveniences resulting from the law by which they are obliged to expropriate so much of their land, they will be called upon to pay up the sums which they may have borrowed on it. The Tsaranés were not serfs; they required no expropriation of the land which they lease, as a guarantee of their freedom; and they are not likely to migrate from a soil so exceedingly fertile merely to avoid the payment of taxes and the supply of recruits. Their attachment to the soil is natural and based on their own interest. They have been growing rich and were gradually becoming a class of peasant proprietors by the purchase of land. That movement, however, is now arrested by the new law, which holds out to the peasantry the prospect of acquiring the greater part of the landed estates of the country at a nominal rentor price.

At the same time, the colonization of the province, which has been steadily increasing by immigration from the opposite side of the Pruth, and from the Beckhovina, will be checked by the fear which the proprietors will entertain of being obliged at some future time to grant to their new labourers land from estates which have been already so much reduced. As long as the rural population shall have been bound to the soil by holding mortgaged freehold properties, and shall have been agglomerated by artificial means in the north of Bessarabia, the cultivation of the vine, so extensively pursued in the south of the province,† will be partly abandoned from *want* of labourers.

Again, in order, it would seem, to provide a sufficient allotment of land for each male peasant, whose interest it will be to marry and represent the standard "family," it will be necessary to reduce the large holdings of those who, being richer than the rest in oxen, are at present in the occupancy of the greatest acreage. As the land to be divided among the peasants is a fixed quantity, the man with no oxen will lease at a low rent the land which is taken from the man who possesses a team (which is the working capital of the Bessarabian farmer), or he will purchase it at a corresponding low price, with the assistance of Government, but will sub-let it at the high rent, which, owing to the scarcity of land, the neighbouring bezeches, or small proprietors, settled in particular localities, will be compelled to give.

Many other considerations arise as to the probable effects of so serious a violation of the rights of property; but it is unnecessary to pursue them any further, as the present and prospective consequences of the application of a false principle of

* The terms, as in Russia, are 16⅔ years' purchase of the statute rent (1*s.* 1*d.* to 2*s.* 4*d.* per acre), the lord sacrificing 20 per cent. of the purchase price if he demands "redemption" by the peasants. In such a case the lord's compensation per acre will be calculated as follows:—

16⅔ years' purchase of 2*s.* 4*d.*	£1 18 11
Less 20 per cent.	0 7 9
Nett Value	£1 11 2

The Government will pay him in stock, which, being at 18 per cent. discount, will reduce the nett compensation to 1*l.* 5*s.* 8*d.* for an acre, of which the produce can be sold on the spot for 3*l.* 18*s.* 4*d.*, and at Odessa for 9*l.* 2*s.* 6*d.*, as shown by the following statement:—

Cost of raising a crop of maize on 1 acre of land in Bessarabia—

Ploughing and harrowing	£0 4 8
Harvesting, &c.	0 7 6
Value of land if leased	0 4 8
Total per acre	£0 16 10

Produce, 30 chetverts per dessiatina, or 61 bushels per acre, sold on the spot at about 1*s.* 3½*d.* per bushel (3*l.* 18*s.* 4*d.*) At Odessa the same corn will be sold at 3*s.* the bushel, for, owing to the absence of good roads, the carriage to that port will cost 1*s.* 2*d.* per bushel, or 2·50 roubles per chetvert. This fact gives an idea of the immense importance of railroads in Russia.

† Portions of the lord's vineyards would fall into the hands of the peasantry under the Law of 1868, at a rent of 2*s.* 4*d.* per acre, of which the produce in grapes is worth about 18*l.* per acre, or 400 roubles per dessiatina.

compulsory occupancy and attachment to the soil, carried to its extreme in the Bessarabian law, evidently with the same fiscal and recruiting objects as in the Russian Emancipation Act, have already been inquired into in the body of this Report.

Moreover, it is not improbable that the Commission to which the law of 1868 has lately been referred at the instance of the Bessarabian landowners, will modify some of its clauses, so far as to permit those landowners to escape from impending ruin by making it obligatory on the tenant to accept the freehold gift of one-half of the land, which the lord is bound to lease at a rent fixed by law. This sacrifice will entail on the 400 Bessarabian proprietors an estimated money loss of eight millions sterling.

Appendix 11.

Memorandum on the Law of Land Tenure in the North-West and South-West (old Polish) Provinces of Russia.

While no changes have been introduced in the Emancipation Act as regards the Provinces of Great Russia, New Russia, and White Russia, material alterations have been made since the Polish Insurrection of 1862 in respect to the North-West and South-West (or old Polish) Provinces.

By an Ukase of the 1st March, 1863, the peasantry of the North-West Provinces were ordered to purchase their allotments simultaneously with the "verification" of their liabilities in respect to the lord of the soil, while their relations of semi-dependence on the landed proprietors were made to terminate on the 1st May, 1863, from which date, also, peasants paying a quit rent were bound to continue such payments to the same extent as before, and those paying rent service to pay the quit rent entered in their settlement deeds (with a reduction of 20 per cent.) into the district treasury, by which it is paid to the landed proprietor. On verifying the rent liabilities of the peasantry, "verification commissioners" were instructed to draw up the deeds of purchase and to settle the terms of redemption.

The action of those Commissioners was defined by rules which enacted that the redemption payments should not exceed 90 per cent. of the quit rent thus paid, nor 80 per cent. in the cases that came under the Ukase of the 1st March, 1863. At the same time, the peasant allotments were ordered to be grouped in classes in respect to rate of redemption, which varied from 60 copecks to 3 roubles the dessiatina ($6\frac{1}{2}d.$ to $2s.\ 10d.$ per acre).* In localities particularly unfavourable is respect to soil, &c., those rates could be lowered. By an Imperial Order of the 15th August, 1863, the redemption advance was ordered to be paid to the landed proprietors in 5 per cent. Rentes only on the termination of the insurrection, until the cessation of which they were to receive only such income from the land as might be collected by the officers of Government.

The forced sale of land to the peasants was extended on the 2nd November, 1863, to the Province of Mohileff and to the remaining districts of the Province of Witebsk, the quit rent being reduced by 20 per cent. of the amount previously paid or entered in the settlement deeds, drawn up under the terms of the Emancipation Act. The relations of semi-dependence terminated on the 1st January, 1864.

Similar measures have been adopted in the South-West Provinces. The peasants were finally emancipated from their lords on the 1st September, 1863, from which date, also, their quit rents were reduced by 20 per cent. of the amount previously fixed, and were made payable into the district treasuries. The settlement deeds were converted into title deeds.

Further changes in favour of the peasantry were introduced in 1864. The Provincial Courts for regulating the affairs of the peasantry were empowered to reduce the payments of the peasantry by 15 per cent., and the Governor-General to reduce them still further. Lastly, the peasantry were acknowledged to have a right to the gardens which they held under these "inventories," and a revision of settlements made in alleged violation of the law was permitted.

The following are examples of the results produced by the revision of the settlements that were made on the strength of the Emancipation Act:—

	Price per Dessiatina agreed upon before 1863	Revised Price.
	Rs. c.	Rs. c.
Volhynia	36 61	13 87
Kief	41 73	26 20
Podolia	45 13	27 88

* The Crown peasants in the Province of Grodno redeemed their land at $1\frac{1}{4}$ copecks to 1·56 copecks per dessiatina ($1d.$ to $1s.\ 5\frac{1}{2}d.$ per acre).

It will be seen from Appendix 8 that the average "redemption" price of land in the old Polish Provinces has, since 1863, averaged 16*s.* 11*d.* per acre; while in the rest of Russia the Government advance alone (irrespective of the 20 per cent. payable by the peasant himself), has averaged 29*s.* 2*d.* per acre.

Appendix 12.

List of Authorities.*

1. "The Act of Emancipation," 1861.
2. "Reports of the Emancipation Committees." 17 vols.
3. "The Law of Police." Lectures by Professor N. Bunge, Kief, 1869.
4. "Statistical Annals of the Russian Empire," vol. i, 1866.
5. "Statistical Annal of the Ministry of Finance, edited by A. von Buschen, vol. i, 1869.
6. "Aperçu Statistique des Forces Productives de la Russie," par M. de Buschen, Paris, 1867.
7. "Statistical Tables of the Russian Empire," edited by A. von Buschen for the Central Statistical Committee, 1863.
8. "Magazine of Military Statistics (Russia) (Vœnno Statisticheski Sbornik)," vol. iv, 1870.
9. "The Peasant Population of Russia," by A. Troinitzki, 1861.
10. "Explanations to the Agricultural and Statistical Atlas of European Russia," by J. Wilson, 1869.
11. "The Journal of the Ministry of Domains," 1862.
12. "Etudes sur la Question de l'Abolition du Servage en Russie," par un Contemporain (T. de Thœrner), Paris, 1859.
13. "The State Budget of 1866," by Senator Hagemeister, 1866.
14. "The Land and Liberty," by P. L., 1868.
15. "A Voice from the Country" (Golos iz Zemstoa), A. Koshelef, vol i, 1869.
16. "On Self-Government," by Prince A. Vassilchikof, 1869.
17. "The Condition of the Labouring Classes in Russia," by N. Flerofski, 1869.
18. "The Russian Messenger," October, 1869. W. Bezobrazoff on the Conservative and Radical Parties in Russia.
19. "The Intellectual Development of the Russian People," by A. Stchapof, St. Petersburg, 1870.
20. "Russland's Ländliche Zustände," J. Eckardt, Leipzig, 1870.
21. "Organisation Sociale de la Russie," par un Diplomate, Paris, 1864.
22. "The Memoirs of the Statistical Section of the Imperial Russian Geographical Society."
23. "The Memoirs of the Imperial Free Economical Society."
24. The Russian Journals and Magazines.

No. 8.

Lord A. Loftus to the Earl of Clarendon.—(*Received January* 10.)

My Lord, *Berlin, January* 8, 1870.

I HAVE the honour to forward to your Lordship herewith a despatch from Mr. White, Her Majesty's Consul at Dantzig, transmitting a Report on the present laws regulating Land Tenure in the Province of Silesia, and on the condition of the peasant proprietors in the District of Lusatia, forming part of that province.

This Report is founded on information received on the spot, and from ocular testimony of the state of the peasant properties in Silesia.

Mr. White has shown great zeal in the fulfilment of the instructions with which I furnished him, as well as great ability and industry in condensing the information he has collected on a subject of such vast scope and magnitude.

I have, &c.

(Signed) AUGUSTUS LOFTUS.

Inclosure 1 in No. 8.

Consul White to Lord A. Loftus.

My Lord, *Dantzig, December* 22, 1869.

I HAVE the honour, in accordance with your Excellency's instructions, as contained in your despatch of the 14th October, 1869, to submit to your Excellency the accompanying General Report, containing the results of my recent visit to the Prussian province of Silesia, with a view of supplementing the data collected by Mr. Gastrell for his Report upon the various questions connected with the ownership and tenure of land in this country.

* The books mentioned in the following list are in the Russian language, with the exception of those of which the titles are quoted in French and German.

I have added to this Report an Appendix of tables and five inclosures, and although I fear that these results may appear inadequate, I can assure your Excellency that I have spared no pains to put together all the information I was able to collect and to reproduce it as accurately and in as concise a form as I was able.

I have, &c.
(Signed) W. A. WHITE.

Inclosure 2 in No. 8.

Report by Consul White respecting Tenure of Land in the Province of Silesia.

WITH the exception of a certain district, known as "Ober Lausitz," or Lusatia, and acquired from Saxony in 1814, the possession of the Province of Silesia by Prussia dates from the year 1740, and was definitively confirmed by the Treaty of Breslau, in 1742.

This province is justly considered one of the most valuable possessions of the Prussian Crown, and formed one-seventh, or more accurately 0.146 of the entire area of Prussia's dominions, as these existed prior to 1866.

Silesia is not only a large mining district, but likewise a manufacturing one; its linens are in high repute all over Germany; and its cottons commanded not only the home market, but were largely exported to Russia and the United States before the tariffs of these two countries submitted them to the present high duties.

The area of this province is calculated at 15,544.7 English square miles (731.2 geographical square miles), or 9,948,707 English acres.

Population.—Its civilation population at the last census was 3,547,709, of whom 777,167 belonged to the urban, and 2,770,542 to the rural population.

The increase of the latter was in the following ratios:—

Each 1000 inhabitants in 1831, increased till 1858, to 1313.

From 1758 to 1861, the increase was at the rate of 0.95 per 100 inhabitants.

From 1861 to 1864, at 0.99 per 100 inhabitants.

Whilst from 1864 to 1867, at 0.44 only per 100 inhabitants.

For administrative purposes, the province is divided into three districts, pretty nearly of the same size, the proportions, however, of the two prevailing religious creeds are very different in each. Upper Silesia may be said to be almost Roman Catholic; Lower Silesia, or Liegnitz, is chiefly Protestant; whilst the intermediate district of Breslau contains both creeds, with a Protestant majority, most prominent in the urban population; thus Breslau has two-thirds of its inhabitants professing the religion of the majority.

The area, present civilian population, and religions professed at the census of 1864, will appear for each subdivison from this table:—

Name of Subdivision.	Population, Religious Census, 1868.	Religious Creed.			Area, English Miles square.	Inhabitants, Census 1867.
		Protestants.	Catholics.	Other creeds.		
Liegnitz	963,170	804,760	140,378	9,032	5,249	969,613
Breslau	1,327,708	772,740	535,385	19,583	5,200	1,350,315
Upper Silesia ..	1,192,381	109,052	1,051,877	21,452	5,095	1,227,781
Total Silesia ..	3,473,259	1,686,552	1,736,640	50,067	15,544	3,547,709

All three districts are agricultural; but Upper Silesia is a most important mining province; whilst the subdivisions of Breslau and Liegnitz produce fewer coals and ores, but have mills and factories, and a numerous class of weavers in flax and cotton.

Omitting all general statistics, as not entering within the task assigned me by my instructions, I may here state that though Silesia contains some of the largest landed proprietors in Prussia, still a little more than one half of its area is in the hands of the peasant proprietors. The average size of these properties is 22½ morgen, or about 14.2 acres each, and only 10 morgen (6.3 acres) in towns, which is lower than in any other of the Eastern Provinces of Prussia, and is to be ascribed to the large proportion of very small holdings which are scattered all over the country, and consist of some fraction of an acre, sometimes of one or two, up to three acres (5 morgen), whilst large properties vary from 20 to 400 acres.

By taking all kinds of land property into calculation, i.e., by including estates, there is an average of 33½ acres to each freehold in this province, or there are 19 owners of land to an English square mile.

The number of draught horses is sixteen, and that of plough-oxen ten to a mile in this province.

I have considered it advisable to draw up a special paper respecting tenants in Silesia, and to devote separate reports to Upper Silesia, and to Lusatia. The latter district forms a part of Liegnitz, or Lower Silesia. I have divided the remaining portion of that subdivision into two districts, the hill district with six circuits, and Liegnitz with the seven remaining circuits, supplying a set of statistical Tables I to X, five to each district, and including all properties comprised within municipal boundaries in both in Table XI.

1. *Hill District.*

The first district comprises an area of 1,071·48 English square miles, or very nearly one half of the district of Lusatia, thus facilitating a comparison ; it contains, therefore, 685,743 acres.

The rural civilian population is 214,481, the urban, 52,009 ; of the whole, 66,400 are Roman Catholics, 747 Jews, and 1546 profess different creeds, whilst 127,797 belong to the Protestant Church.

By grouping together the six hilly circuits we obtain a district where the weaving industry predominates, and where 64·5 of the peasant properties are below three acres.

In fact, the existence of these industries appears to favour single holdings, as they are to be met with together always in Silesia, whether from this reason or from a more divided attention, but the exercise of an auxiliary occupation does not appear conducive to good farming; and this locality, where the population is not of excessive density, 240 inhabitants to an English square mile is, I understand, more exposed to seasons of distress than the properly agricultural district which follows.

2. *Leignitz District.*

The seven circuits about Liegnitz, advancing from the ridge of the Silesian Mountains into the plains bordering Brandenburg and Posen, cover an area *nearly* double of that of the former district, 2,035·4 English square miles, or 1,303,453 acres. The soil is of different qualities; 55 per cent. is under tillage, and 25 per cent. is wooded; there is 10 per cent. of meadows.

The rural civilian population is 272,746; the urban, 85,839; together, 358,585 inhabitants.

The density of population is 176 to a square mile, or very nearly what it is in the neighbouring district of Lusatia, and the condition of the people is very similar also.

The last religious census was taken in 1864, and gives 51,627 Roman Catholics to 306,000 Protestants.

In this district, the holdings of middle size, from 3 to 19 acres, are more numerous than either in Lusatia or the Hill District, numbering 37 per cent. of the whole, and properties of more than 19 acres are also more abundant. Agriculture is carried on here for its own sake, and the peasants devote much attention to the feeding of cattle and pigs for the Berlin market; in fact, the prosperity of the peasant class is such that several estates have been bought up and subdivided by them in the circuit of Glogan.

Indeed, wherever the peasants of Silesia were found in possession of large enough holdings at the time of their relief from feudal burthens, they appear to have thriven since, though this prosperity grew upon them gradually, and is most apparent within the last 20 years, when a new generation had grown up more disposed to follow, in introducing those practical improvements in cultivation of which the owners of estates set them abundant and praiseworthy examples.

The cessation of rights of common, &c., has also given a new stimulant to this class of owners by making them rely exclusively on their own holdings for supplying subsistence for their cattle. It must not be supposed, however, that the Silesian peasant has lost all that neighbourly feeling which had its origin in the bearing of common burthens. To this day, in many cases, the labour required for rebuilding farm-buildings among them is, in Silesia, supplied by the voluntary and gratuitous services of their immediate neighbours, the peasant proprietors of the same commune.

The object of the following Table is to show the relative per centage and distribution of the three several dimensions of peasant holdings, in the different districts described in this Report, and also in some particularly striking localities :—

RELATIVE per-centage of Peasant Holdings, large ones, middle sized, and small ones.

Name of Subdivision, District, or Locality.	Holdings under 5 Morgen. (3·1 Acres.)	Holdings above 5 and under 30 Morgen. (3·1 to 19 Acres.)	Holdings above 30 and under 300 Morgen. (Or, from 19 to 190 Acres.)
Breslau	41·7	41·5	16·7
Upper Silesia	36·3	44·6	19·0
Liegnitz	51·8	31·5	16·7
Districts—			
Lusatia	48·7	33·8	17·5
Hill Districts	64·5	23·5	12·0
Liegnitz (seven circuits) ..	42·2	37·2	20·6
Localities—			
Oppeln (circuit)	99·0	49·7	21·2
Rosenberg and Creutzburg (circuit)	16·3	59·4	24·2
Grotthau Neisse (circuit) ..	35·4	41·2	23·3
Bolteenhain	56·2	30·8	12·9
Landeshut and Loewenberg ..	68·1	20·3	11·6
Hirschberg	66·4	23·5	10·9
Glogau	31·2	45·5	23·2

Properties of more than 300 Prussian morgen (190 acres) have been omitted purposely in this calculation, for though holdings of that size are included in Tables V and X in the Appendix, as extracted from official sources, it is known that under this head peasant properties are included as well as estates, and, moreover, it may be supposed that peasants who have attained to the possession of that number of acres are placed in a position too far in advance for purposes of comparison with the very small allotments.

Landeshut and Loewenberg.—A glance on that Table shows that the two circuits of Landeshut and Loewenberg in the hilly portion of Lower Silesia have a particularly large number of holdings under 5 morgen (3·16 acres).

The two circuits have together 112,229 inhabitants, 88,533 of whom constitute the rural population.

The latter had been 87,874 in the year 1858, and 83,409 in 1831, thus showing the increase to be particularly slow, or 1,062 inhabitants now, to 1,000 in 1831.

As to religion, nearly 40 per cent. of the inhabitants are Roman Catholics.

Both the mining works and the large cotton mills of these circuits give industrial employment to many hands; there are also paper mills, numerous flour mills, and Bohemian glass is also manufactured. 26,000 persons are said to be exclusively gaining a livelihood in all these establishments, or as tradespeople, whilst 4,265 owners of land are described as having some auxiliary occupation besides farming. Including these and their families, 58,229 inhabitants are returned as engaged in agriculture, and without the existence of various industries the position of the numerous small owners of land would be untenable.

In Landeshut there are 3,439 and in Loewenberg 6,229 owners of less than 5 morgen, making, altogether, 9,668.

This figure is so considerable, that the cause of this striking proportion of very small holdings appears to me deserving of a few observations, when it appears that three out of thirty-five inhabitants hold properties of these dimensions, and that to every twenty acres of land under cultivation (exclusive of forests) there is one such holding.

The explanation is partly supplied for the Landeshut circuit by the Official Report of the "Landrath," or Head Sheriff, "Herr von Klützow," for the year 1862. It appears that at the time of the suppression of Monastic properties, the State, in appropriating their lands, created a number of copyholders with three morgen of land each. The owners are now freeholders, and of these the Landrath says: "In diesen Ortschaften herrscht die grösszeste Armuth" (the greatest poverty prevails in these localities).

The number of localities subdivided in this manner is stated at thirty-six, which belonged to the monastery of Grussau, and large peasant properties are only to be met with in this district on estates which have never been under the Crown.

In the circuit of Loewenberg the Crown held at one time twenty estates, the lands of which have also been disposed of. In that circuit one-third of the soil under tillage is in the hands of sixty-nine proprietors of estates.

The largest 1st class peasant holding (*i. e.*, employing cattle) is 500 morgen.

The smallest holding in this class contained 85 morgen in 1837, and those as low as sixty were included in 1851.

The largest holding comprised in the 2nd class in 1851 consisted of 36 morgen, and the owner employed no cattle for tillage.

The following table drawn up from the results of various official enquiries in the circuit of Loewenberg, throws some light on peasant properties there.

Peasant properties at different periods :—

	First Class Peasant Properties. Horses or Cattle employed.	Land in Possession of the foregoing.	Second Class Peasant Holdings. No Cattle for Tillage Purposes.	
			Number of Holdings.	Acreage.
		Prussian Morgen.		Prussian Morgen.
1816	1,119	108,794	..	..
1837	649	49,852	2,259	7,341
1851	594	45,310	2,384	11,883
1858	About 900	Not stated	About 8,000	Not stated
1860	1,010	97,100	9,495	30,421

The smaller holdings appear to have originated at first by subdivisions of larger ones, until their number suddenly increased by the extension of laws abolishing Feudal burthens to them (they were not at first included), and by the creation of new holdings on Crown lands.

In the circuit of Landeshut the subdivision of holdings is ascribed to some active speculators who pay high prices and sell them again in lots to owners anxious to increase their properties.

In Loewenberg the following data concerning subdivision are given :—

From 1837 to 1851, 158 holdings, containing 5,384 morgen were subdivided.

From 1851 to 1859, 1,903½ morgen of peasantla nds were disposed of, having been detached (from one gentleman's estate) from 24 large and 46 small peasant holdings.

How disposed of :—

In the first period (1837-1851) new holdings were created with 1,095 morgens, 78 peasant proprietors purchased 642 morgen, and 3,647 morgen were added to increase 736 small allotments.

During the second period (1851-1859) two new peasant properties originated with 74 morgen, and 11 small ones with 161 morgen; the following acquisitions were made for other properties :—

For 2 estates	9 morgen.
„ 23 peasant property	273 „
„ 261 small peasant holdings	1,300 „

Within these two circuits there are 83,000 acres forest and 200,000 acres of all other kinds of land; the per centage of grass land to the whole area is 14·6 per cent., and different qualities of soil are to be found.

Bolkenhain.—In the small circuit of Bolkenhain, with an area of 138 English square miles, or 88,400 acres, there is a rural population of 29,203, and two small boroughs with 3,466 inhabitants.

In this circuit the forests are 23·3, and grass-land 13 per cent. of the entire area, whilst 58·5 per cent. is tilled land.

In this circuit, again, cotton and flax spinning gives employment to a good many hands; there were 3,171 looms in 1861, and again small peasant holdings constitute a large proportion, viz., 56 per cent. of the entire number of properties of this class.

The property of churches and schools consists of 1,333 acres. There are—

Estates	45
Large peasant properties	462
Small holdings	3,230
Total owners of land	3,737

The sizes of the different properties (including estates and those within municipal boundaries) are given as follows :—

Dimensions of Properties.	Number of Properties.	Area in Morgen.	Average Number of Morgen to each.
Estates and properties above 600 morgen	35	47,991½	1,371
Ditto, under 600 and above 300 morgen	17	5,985	352
Properties under 300 and above 30 morgen	504	46,050	91·3
Ditto, under 30 and above 5 morgen	1,179	14,037½	11
Ditto, under 5 morgen	2,195	4,895½	2·2
Total	3,930	118,959½	..

These results differ somewhat from the particulars contained in Prussian general statistics, from which Tables V and X were drawn up, but they are also derived from official sources and of a later date, so that similar changes in properties are not unlikely to have taken place in this circuit during the four years from 1858 to the end of 1862.

On the subject of more recent changes with regard to peasant properties in this circuit, it appears that during the three years, 1860-1862, there were—

Properties undergoing diminution :—Three estates, 17 peasant properties, 22 small holdings, and 4 allotments without any buildings on them, consisting together of 6,211 morgen, were diminished by 832 morgen.

This land was disposed of as follows :—

New holdings.—With $\frac{2}{9}$ of a morgen	2
With $3\frac{8}{9}$ of a morgen, without buildings	1
Consisting of 27 morgen	5
Consisting of $36\frac{1}{3}$ morgen, without buildings	3
Consisting of $103\frac{5}{9}$ morgen, without buildings	11
New allotments in three years	22

During that time $77\frac{5}{9}$ morgen were purchased for an estate, $142\frac{1}{2}$ morgen were added to 10 peasant properties, and 286 morgen were added to 50 small existing allotments.

It must be observed that those changes have been occasioned chiefly from a spirit of speculation in land, as sub-division between heirs to landed property is not in the habits of the Silesian peasantry, and I was assured that it occurred but seldom.

Hirschberg.—Hirschberg is a circuit situated quite in the mountains of Silesia with a population largely employed in weaving; the area is 231 English square miles, or 148,300 acres, the rural population 47,616, and the total number of inhabitants, including those of two townships (13,563), 61,179.

The proportion of forests in this circuit is considerable, 49 per cent.; that of meadows above an average, 11·8 per cent.. and the land for tillage only 34·6 of the entire area.

This is therefore a manufacturing highland district, with 264 inhabitants to a square mile, and by deducting forests with about $1\frac{1}{2}$ acres of culivated land to each rural inhabitant.

The following particulars are given with regard to the occupation of the inhabitants :—

Owners or tenants exclusively employed in farming	1,790
Ditto, having some auxiliary occupation	1,898
The families of the above	13,076
Agricultural farm-servants	1,305
Agricultural labourers	1,557
Handicraftsmen, artizans	4,411
Tradespeople	873
Employed in industries, chiefly weavers	5,697

There are in this locality a class of lodgers who do not exist in other circuits, and who are attracted to the large factories by the facility for earning wages. It appears that there are 3,092 families of such lodgers, and 1,055 widows.

Small holdings are again very numerous here, and constitute 66·4 per cent. of the peasant holdings.

The large Barony of Kynast, with three estates and three isolated farms, and eleven estates with nine separate farms, constitute the property of the circuit known by the denomination of Dominial property or estates, and consists of about 90,000 morgen forest and 20,000 arable land or meadows.

The peasant properties consisted originally of 655 large holdings and of 5,267 allotments, known as gardeners' or cottiers' holdings.

From 1816 to 1859 fifteen new peasant holdings were formed by purchases, whilst 113 became subdivided, so that 557, with 38,000 morgen, were returned at the end of 1859 as first class peasant properties.

It appears that three of these were again subdivided from 1859 to 1862.

The size of these properties are from 20 to 200 morgen, with a few about 300 morgen; their fields are most inconveniently situated, through hills and vales forming a narrow pass, two or even four miles in length; their cultivation is laborious and expensive, each proprietor having to keep up a road for his own use; the soil is not only very uneven but the fields lie frequently on both sides of a brook, which does not facilitate farming operations.

In this respect the smaller proprietors, of from 20 to 30 morgen, are better situated, having their fields close to the village which they inhabit.

Many of the cottiers have only one or two morgen, and a peculiar kind of property in this circuit are patches of meadows in the midst of the brown forests; these were let for a moderate rent, became copyhold and ultimately freehold property. It is estimated that there are about 1,000 acres so held.

During the year 1862 3,689 individuals settled in the circuit, coming from other parts of Prussia, and 3,522 left it for some other locality within the kingdom.

If we pass from the vicinity of the hills of Silesia to the district about Liegnitz and north of that city, we find seven circuits forming part of Silesia, but having a more exclusively agricultural character, and the larger peasant holdings are more numerous than in the hill district, as will appear by a reference to the table.

Glogau.—Two circuits are prominent by the large proportion of tilled land, 62·5 per cent. in Glogau, and 72·4 per cent. in that of Goldberg Haynau, the latter verging almost on the ridge of the mountains. The proportion of forests is of course small in these two circuits, whilst the meadows are somewhat below an average.

In every part of Silesia one hears of the frequency with which properties change hands, and estates, when not entailed, more so even than peasant properties, though the owners of the latter cannot resist sometimes the offer of a higher price which is offered them by speculators, who after having purchased such a holding cut it up in lots and sell these to other peasants desirous of increasing their possessions. In every district I heard numerous cases cited of such speculation, and the price of a morgen of land in a peasant holding fetches in this way a higher price than the land on estates. The process of speculating in this way in holdings is known under a special name of "Güterschlächterei," and from some reason or other appears to have flourished particularly in Silesia and Posen from 1857 to 1861 and 1862; prices however had run up so unreasonably that many such scheming speculators in holdings burnt their fingers, and from 1862 their appears to be an abatement of this head of speculating fever which was looked upon most unfavourably by the authorities and by the peasant class.

That the sales of estates are very frequent in some parts is confirmed by a statement that in the circuit of Geldberg Hainau, of which I am speaking, twenty-seven estates changed hands within a short time, whilst in that of Glogau "Weidisch," an estate near the town of Glogau was pointed out to me which was bought and subdivided by peasants a few years ago. Two other estates were cut up in the same way in that circuit, the owners finding a considerable pecuniary advantage in disposing of them in lots instead of selling them entire. The fondness for property in land appears to be innate in the Silesian peasant, whether of German or Slavonian race; and in studying their condition, their habits must not be left out of sight; it is to these habits that the paucity of cases of subdivision of properties between heirs must be ascribed, and the prevailing desire among them to keep the land in their possession acts certainly as a check, and a salutary one, in diminishing their holdings and as an incitement to increase them if possible. The temptations to which the peasant proprietors were exposed during the speculating mania of which I have spoken were very great, but for the present even small holders appear quite able to keep their ground.

From enquiries made in Glogau concerning the loans advanced on land by the Land Debenture Association existing in that locality, I find that whilst sixty-two landlords had mortgaged their estates, only nine peasant proprietors had availed themselves of the facilities afforded them, and were in debt to this Association for the sum of 31,195 thalers in 1860.

Having spoken of the estates subdivided ("parzellirt") among peasants in this circuit, I may mention that the estate of Kutschwitz has been disposed of in this way, and that the purchasers being residents of neighbouring villages there are no buildings left, and not a single inhabitant in this former manor.

From all I have heard in Silesia I am disposed to think that farming is far in advance on gentlemen's estates to what it is even on the best peasant properties; draining, machinery, artificial manures, are all liberally applied by the landlords, and in very few cases by the peasants; but, on the other hand, the estates are almost all mortgaged, fifty per cent. of their value on an average, whilst the peasants in general owe very little money; they avail themselves to a small extent of the Land Debenture Associations, and in general they object to registered mortgages. I was assured that those who were deserving credit could always procure money, on note of hand, from persons of their own class, from neighbours, at four or five per cent.

The General Silesian Land Debenture Association, which is the great institution of

the province, established in 1763 by Frederic II., grants, since 1849, loans on peasant or "non-incorporated" properties by issuing debentures at 3½ and at 4 per cent. In the last Report I have seen of that Association the sum thus mortgaged and represented by debentures amounted at the end of 1868—

	Thalers.
At 3½ per cent.	120,745
At 4 per cent.	2,385,300
Total	2,506,045

I am told that such loans are not given higher than 50 per cent. of the estimated value of peasant holdings, and that therefore it may be assumed that 35 thalers is the average amount of loan given per morgen of peasant land. At this rate there would be 71,600 morgen mortgaged to the Association at the present time, or 1 in a 1,000 of the area constituting peasant properties in Silesia.

Three years ago the sum lent was only 2,065,090, or 440,955 thalers less; thus showing, however, that peasants are beginning to avail themselves of this Institution, which has a branch office in each district.

Sums mortgaged on peasant lands in the branch offices of the Silesian ("Landschaft") Debenture Association:—

	Thalers.
Schweidnitz-Janer branch	141,040
Glogau-Sagan	119,060
Upper Silesia	466,690
Breslau-Brieg	539,285
Liegnitz-Wohlau	449,745
Münsterberg-Glatz	68,990
Neisse-Grottkau	143,420
Oels-Militsch	103,560
Goerlitz	33,300
Total, January 1, 1866	2,065,090

The owners of small holdings are, of course, placed at a disadvantage, and not only debarred from obtaining loans from this Institution but from getting accommodated in any way except by having recourse to professional money-lenders, and among these there are many usurers, who get even ten or twelve per cent. Nothing has been done to assist this class of owners when in difficulties.

Friestadt.—The Circuit of Freistadt is a very large one, having 338 English square miles area, 44 per cent. of which is in the hands of peasant proprietors. The average holdings of the three dimensions contained in the returns are two, 12 and 96 morgen to each property.

In the year 1861, 49 changes of ownership were reported, affecting 640 morgen of land and belonging—

Two morgen to 1 estate, the rest to 18 peasant and 24 small owners.

With this land 19 new small holdings were created. making 102 morgen.

Ninety-eight morgen were purchased for estates; 119 morgen by 8 peasants 229 morgen by 48 small holders to enlarge their allotments.

Liegnitz.—The Circuit of Liegnitz contains an area of 2,467 English miles, or 157,800 acres, of which 76·3 are land for tillage, 7·6 meadows, and only 8·5 (a very small proportion), is wooded. The population of this circuit is 67,841 or 275, to a square mile. The town of Leignitz has 20,000 inhabitants. The rural portion of the circuit gives 2·2 acres to each individual.

In this circuit I was also told of many cases of subdivision of peasant properties brought about by speculators.

There are 100 estates in this circuit having 900 morgen on an average, and constituting 40 per cent. of the entire area.

The peasant properties occupy 52 per cent. of the same, the rest being under towns, or Crown property.

	Morgen.
There are 594 peasant holdings	80,663
1,713 gardeners' ditto	18,892
1,677 cottiers' ditto, having	5,133

The peasant properties (so called) are more extensive than in some of the adjoining circuits.

The changes in these from 1859 to 1861 affeected the foillowing number of properties:—

	Increased Holdings.	Diminished Holdings.
Peasants, First Class	35	22
Ditto, Second class	49	28
Cottiers	23	9

Husbandry in this Circuit appears to be vigorously carried on, and the larger easant proprietors give the impression of being very prosperous.

The preceding examples of the working of the system will, I hope, serve to illustrate some of its practical results. In the Report which I have drawn up on the District of Lusatia (Inclosure No. 1), I have described my impressions of the condition of those properties ranging from 40 to 400 morgen, and known either from their origin as peasant properties ("Baüernguter"), or from the cattle employed for farming by their present owners, as "Spannfähige Wahningen." I would not add anything to what I have stated on the subject. Those properties among them which are favourably situated both with regard to quantity and quality of the holding, flourish and prosper, and are highly favourable and creditable specimens of yeomen proprietors.

But the number of those who are in this position bears but a small proportion to the total number of holdings; in some localities 24·2 to a 100; whilst in others this percentage is only 11·6. The average number of substantial proprietors of this class is 16·7 in the 2 subdivisions of Breslau and Liegnitz, and as high as 19 per cent. in that of Oppeln or Upper Silesia.

In this calculation all properties between 19 acres (30 morgen) and 190 acres are accepted as first-rate holdings; but I have been assured that 50 morgen, and at the utmost 40, ought to be considered as a limit below which a Silesian peasant cannot be supposed as sufficiently well off. Unfortunately I am not in possession of statistical data to enable me to estimate the numbers within these limits.

On the other hand, it must be remembered that proprties consisting of more than 300 morgen have not been included in this calculation of percentage of holdings of various sizes.

It appears that the existence of 1,084 peasant properties of more than 300 morgen has been ascertained throughout Silesia, as will appear from the following table of summary results:—

All kinds of Estates above 300 morgen in Silesia.

Subdivision.	In Towns and Country.			Returned as Gentlemen's Estates.	Probable Number of Peasant Properties.
	Above 300 and under 600 Morgen.	Above 600 Morgen.	Together.		
Liegnitz	457	893	1,350	943	407
Breslau	491	1,298	1,789	1,502	287
Upper Silesia	256	812	1,068	678	390
Total Silesia	1,204	3,003	4,207	3,123	1,084

Probable number of estates as returned, 3,123.
Probable number of peasant properties, 1,084 of this size.

This is at the rate of 38·7 large possessions of holdings above 190 acres to each 10,000 of all kinds of peasant properties below that average.

This will appear better from the following table:—

Relative percentage of Peasant Properties of different dimensions in Silesia.

Holdings under 300 Morgen (190 Acres) whether in the Rural or Urban Localities.				Peasant Properties above 300 Morgen. (190 Acres.)
Holdings under 5 Morgen. (3·15 Acres.)	Holdings above 5, but under 30 Morgen. (19 Acres.)	Holdings above 30, but under 300 Morgen.	Total.	
4,320	3,921	1,759	10,000	38·7

Estates and manors existing in Silesia, the property of landlords and gentry, 111·5, to 10,038·7 to peasant properties.

The owners of the first two descriptions of peasant holdings constitute, therefore, the large majority of proprietors, viz., 8,241 or four-fifths ($\frac{4}{5}$) of the total number of individuals owning land, and hold less than 20 English acres, which is generally considered as the minimum of profitable cultivation. Many of them have only half an acre, or even less; and though a certain number may be doing comfortably as farmers, the great majority have to depend on agricultural wages, or on some industry for their living, and their cottages and adjacent patches of land can only be looked upon in the light of a protection against the worst risks of poverty: and their condition may be described as that of labourers. As Silesia is by no means over-populated, and presents a large variety of occupations, in industries, on railways, &c., this numerous class has not felt any inconvenience from any precarious effects of the labour-market. The only people that have been exposed to considerable distress at times are the cotton weavers, and even at the present moment there is a strike among them in the neighbourhood of Waldenburg. The facilities for keeping cows or goats in a province where the proportion of grass-land is large tend so very considerably to the comfort of families of small landholders that the inhabitants of this province avail themselves in an increasing ratio of such opportunities as the possession of land affords them in this respect.

Number of horned cattle of all kinds in 1816	765,433
Ditto, in 1861	1,060,501

The number of cows in 1816 is not stated separately, but—

In 1861 at	684,882
1867	793,770
Thus showing an increase of cows in the Province within six years of .	108,888

But the rapid increase of goats is still more striking, and has been quoted to me as a proof that with an increasing number of very small allotments, the families owning them seek in this way to provide themselves with this animal when unable to keep cows. The number of goats was—

In 1861	72,801
1867	126,037
An increase of	53,236

Or 73 per cent. in six years.

Lastly, as bearing on this subject, the number of swine is worth inquiring into, as they constitute a kind of stock easily subsisted in the smallest household; they were—

	Swine.
In 1861	231,195
1867	445,563
Increase	214,368

Or 92 per cent. in six years.

The breed of cattle has only improved on estates and farms, the property of country gentlemen, where it has made great progress. The cattle on the peasant holdings is mostly still of the old Silesian stock, and in Upper Silesia of the Polish breed, and very inferior in every respect; but the abolition of rights of common and of grazing, which accompanied it, and thereby the compulsory introduction of State feeding, is very beneficial in making the peasants look to stock of better and improved breeds. The larger peasant proprietors are also finding it their interest to feed cattle for the markets of Berlin and Breslau. The large quantities of linseed sown in Silesia procure abundance of oilcake; and in many localities in Silesia a brisk cattle trade is carried on. I had an opportunity of seeing evidence of this when visiting the cattle markets of Breslau and Glogau.

The improvement of the breed of hogs by crossings with English pigs has proved so advantageous, that the rapid increase in the number of those animals throughout Prussia may be ascribed to the results which have been attained in this direction.

As regards drainage the last statistical data collected in Silesia date as far back as 1855. At that date 5,138 morgen had been drained on peasant properties, and 5,095 morgen were going to be so. It is supposed that ten times that amount has been improved since in this manner, though no assistance with credit is given them for this special object.

As regards emigration from Silesia, the Prussian Government is in possession of

accurate returns from every province, from which it appears that the number of persons leaving their country is by no means considerable.

Emigration from Silesia from the year 1844 to 1863.

Name of Subdivision.	Persons Emigrated.				Immigrated.	
	From October 1844 to end of 1859:	Annual Rate of Average.	From 1860 to 1863.	Annual Rate. Average.	From October 1844 to end of 1863.	Annual Rate. Average.
Liegnitz	7,451	488	1,523	381	2,451	127
Breslau	5,529	363	1,205	301	2,338	121
Upper Silesia ..	5,326	349	940	235	2,224	115
Total Province of Silesia ..	18,306	1,200	3,668	917	7,013	363

A calculation derived from the same source estimates the capital which 11,376 persons out of 18,306 who took their departure from Silesia for foreign countries from October, 1844, to the end of the year 1859, possessed at the time, at 2,236,434 Prussian thalers, or 335,465*l.*, making 28*l.* 9*s.* to each person on an average, which proves so far that the majority of persons thus leaving their homes were by no means without resources.

From these and similar facts, I have come to the opinion that the progress which is everywhere visible in Silesia, both in its industries and in the cultivation of the soil, not only is an evidence of growing prosperity, but inspires the labouring population with hopes that they may in time improve their condition.

The Prussian officials with whom I had occasion to come in contact during my short visit to Silesia, and who gave me numerous proofs of their kind willingness to afford most varied and useful information, have spoken to me very hopefully as to the prospects of the independent peasant proprietors, much less so on those of *small* holdings, and even rather despondingly of the future of that class of cottiers who own their habitations but have no land whatever, deserving of that name, attached to these.

The peasant proprietors who, as a rule, prefer the employment of small holders of allotments to that of farm servants, hired by the year, and who keep up a good feeling with their less affluent neighbours, look most unfavourably on any increase in the number of those cottiers, suspecting them of becoming, sooner or later, recipients of relief from the Poor Law funds of the village commune, to which they have to contribute as proprietors. Cases have been quoted to me of peasants buying up, with a view to their demolition, such cottages, merely to prevent the possibility of the next lodgers in them becoming chargeable to the commune and a burthen to the rates.

Whilst in some localities complaints are made of an insufficiency of labourers, especially at Harvest time, in others there is a redundance; but no doubt with the increasing application of machinery and motive power in agriculture, the necessity for manual labour will not go on augmenting, and a portion of the population of Silesia must continue to depend considerably for their support on handicrafts or weaving. The latter industry has proved very precarious of late, owing partly to the fluctuations in the price of cotton, which affect also flax, and in a great part to the protective obstacles to be met with for woven goods in the American markets.

The estates belonging to the gentry provide to this day the best and safest employment for the majority of agricultural labourers in Silesia, to some as farm servants hired by the year, to others who happen to be married, by giving them and their families quarters in large barracks, constructed for that purpose, and employing them at a fixed rate of remuneration as day labourers, or by task work; and lastly, to the population of cottier owners, by some arrangement to their advantage which gives these people, who have land of their own, a temporary interest in some bit of grass or garden land forming a part of the manorial possessions.

That the owners of estates are so little prone to accommodate their labourers with permanent cottages, or with land by any other arrangement but one of the most transitory character, must be ascribed to prudential motives, the reason for which must be sought in the previous history of peasant holdings in this country.

At the time of the abolition of feudal burthens, a free title was conferred on occupiers; and there is a latent feeling in existence that a long occupation of self-

contained premises, or of small farms, may be invoked at some future period as conferring a title to permanency and to further limitations of the rights of property; and nothing is done which could lead to such a construction.

The traditions of the Silesian people as well as their tastes lead them to ask for the acquisition of land as owners and not as tenants. If they can obtain enough to make independent, so much the better; but even as labourers or artizans they desire to own some, even though it be not sufficient to provide for their modicum of wants, increasing the quantity as their means or opportunities enable them to do so: hence arise those changes of ownership which are reported in every locality, and which tend to reduce some holdings and to increase others, and are and must be inseparable from free-trade in land.

The desire, however, of preserving their holdings to their posterity, which is naturally to be found in a people attaching so high a value on ownership, produces, as it would be likely to do, a remedy against a too rapid subdivision by inheritance, which would otherwise be sure to follow where the laws of the country entitle each child to an equal share of every kind of intestate property, and impose on the parents the obligation of leaving their offspring a certain minimum share of their substance.

A deeply ingrafted habit of the Silesian peasantry, common both to those of Teutonic or Slavonic race, counteracts the dispositions of the laws, and renders subdivisions of holdings by heirs so unfrequent, most of those actually taking place being the result of speculation.

This habit consists in one of the surviving parents, or sometimes both of them during their lifetime, disposing of the holding and stock in favour of one of the children by going through a form of sale.

The price is then fixed much below the actual value, and the terms of payments are so arranged as to afford the purchasing child every facility. It most frequently happens that this favoured child is the youngest son, the elder ones having previously left home and been portioned off, sufficiently to enable them to enter into possession of some other property by marriage or by purchase. The remnant of what comes to them by this arrangement is paid off some time after the death of the parents.

These stipulate for themselves during the remainder of their life a room on the premises, and an allowance of corn, potatoes, &c., which latter arrangement is very general in the Eastern Provinces of Prussia (including Silesia, Posen, Pomerania, East and West Prussia); and the parents who thus have secured to themselves the necessaries of life after giving up working, are known by the German names of "Altsitzer," "Ausgedinger."

It is considered that this ancient custom is a very valuable one, as it facilitates the disposal of the property during the lifetime of parents, and gives to the sale effected by them a subsequent sanction by enabling the purchasing son to enjoy possession and to accumulate some capital before they die, and thus renders these sales so secure that I understand they are never called in question by the other children.

I may here mention that I have been told that ante-nuptial arrangements are often made by peasants in Silesia, by which the surviving parent is enabled to dispose of the property in favour of the child of his or her choice in this manner.

To the social habits of the Silesian peasantry, to their industry and economy, must be ascribed a good deal of whatever success has heretofore attended the existence of its distribution of property in land. If at the time of the cessation of feudal burthens there had been in existence a class capable and willing to introduce the practice of leases, and to farm the vast possessions of the nobility, there would be at the present day means to establish a comparison of the two systems. As it is, the large area in the possession of peasants is distributed among larger and smaller freeholds, and among labourers, artisans, and cottiers. Comparisons with the state of things in other countries cannot be made with any degree of accuracy, as the consideration of the social habits of a people and of their antecedents, their actual feelings—nay, even their prejudices—cannot be brought within one universal rule, though all these may have their share in influencing the social condition of different classes of a people.

In conclusion, I beg leave to state that I have consulted the collections of provincial laws of Silesia, of Brachvogel, Von Moeller, &c., and also living authorities; but have not been able to ascertain any provincial law, whether local or customary, derogating from the general laws of the country, or binding at the present day in such a manner as to affect the subjects treated in the present inquiry.

British Consulate, Dantzig, December 21, 1869.

Inclosure 3 in No. 8.

Report by Consul White on Tenures and Leases in the Province of Silesia.

In the instructions issued for my guidance by Her Majesty's Ambassador at Berlin, my special attention was directed to the nature of leases and to the position occupied by tenants in Silesia and other places visited by me under those instructions.

It has appeared to me that what I could say on the subject could best be said in a separate paper, instead of being incorporated in the several Reports.

The persons occupying the position of tenants under landlords are returned in Prussian statistical tables under two heads—those leasing only either estates or farms, and those whose lease includes, in addition to land, some industrial undertaking, such as a mill, a factory, &c.

Of both these classes the following number of tenants are returned in the districts visited by me :—

District.	Area in English Square Miles.	Tenants.	
		Of Farms only.	Of Land, including some Industry.
Silesia	15,544	3,167	4,520
Posen	6,756	844	400
West Prussia ..	9,947	2,120	1,403
Total ..	32,247	6,131	6,413

As regards all those with whom farming is only an auxiliary occupation, and in most cases a secondary one, I have not considered it possible to inquire into the nature of arrangements which present so great a variety, and cannot be productive of any uniformity in their results.

With regard to those tenants who are described above under the first head, and whose exclusive pursuit is farming, there are three different classes in these districts, though I believe that only two of them are included in the official returns; and of each of these three kinds of tenants I beg leave to make some short remarks.

The first class of tenants are those of estates or lands held under the Crown; these properties are let by the Finance Department, generally for eighteen years, under a written lease, printed forms of which have been drawn up by the legal advisers, and have been adopted by that department, having been in use for such leases now for many years. The conditions of these covenants are so severe upon the tenants that they would hardly venture to accept them if they did not know that these are equitably and humanely interpreted by the Treasury. Leases for Crown estates are very much sought after in this country, and the position of a gentleman tenant upon one of these is a highly respectable one, giving the title of "Amtmann," or "Ober Amtmann," appellations very much prized.

Not only entire estates, but also smaller properties, under the name of "Arrende," &c., are held under the Treasury. The rent at which such lands are let varies, of course, considerably. In the District of Dantzic, in West Prussia, the average rent of an acre of tilled land, including a proportion of meadow, is about 10*s.* an English acre, the highest rent under the Treasury being as much as 24*s.* on a farm in which grass land predominates, whilst the lowest rent is 3*s.* per acre of inferior land.

The above must be considered as exceptionally high prices for Prussia. From inquiries made in Silesia I find that in the neighbourhood of Oppelu the rent of an acre of Crown lands was, on an average, 5*s.* 9*d.*; whilst the highest was 9*s.*

The private estates of country gentlemen, and single farms detached from the manor, are also occasionally let, generally for six or for twelve years, with live stock. The class of persons who are tenants of these are pensioned-off officers of the Prussian army, or gentlemen who have sold their freehold estates and combine a taste for farming and a taste for country pursuits with a small capital. As the farms are stocked, the capital required for entering on such an occupation is by no means large.

For the purpose of showing what are the terms of such tenancies I have the honour to forward a translation of a form of lease which meets the conditions generally required. It was given me in German by a notary public, in extensive practice at Liegnitz; and, from inquiries, I am disposed to believe that corresponding covenants are introduced into similar leases in other districts.

Several of these stipulations in this form of lease are only intelligible by comparing them with the laws of Prussia on the subject, as it is evident the landlord in these cases wishes to protect himself against various claims for which the tenant might appeal to the provisions of general Legislation in his favour.

These provisions are contained in the codified Laws of Prussia (Allgemeines Landrecht, Part I, Cap. 21), Articles from 400 to 625. In these will be found certain principles laid down in favour of the tenant, enabling him to claim compensation.

In Article 420 for new taxes imposed on the estate during the lease.

In Article 431 for deficiencies in his income from irregularities in the estimates produced to him on agreeing to the lease.

Articles 455, 456, for certain casualties causing loss in live stock.

Articles 481-5, for casualties therein described, causing a loss in the crops.

Cases of war, and other calamities, are taken notice of in these laws, as to how far they affect the tenure and rent.

But the tenant is generally required to renounce the benefit which might accrue to him from invoking any of the above provisions in his favour.

The standard of living of the tenants, situated as this class generally are, does not differ from that adopted by their neighbours, the owners of middle-sized estates.

It does not appear that peasants take to leasing of farms, as they prefer, as a rule, to be proprietors, and the letting of peasant properties for rent is only practised under very exceptional circumstances; I have heard of such cases, but have not been so fortunate as to meet with any.

The Prussian Laws require all leases for 50 thalers rent, or above that sum, to be in writing, and those where the rent reaches 200 thalers per annum, it has to be executed in Court, or before a notary (Article 402-3). Whenever a tenant happens to be in possession without a written agreement, the interpretration of doubtful points is to be always in favour of the tenant; but he may be served with a notice to quit every year. Should no such notice be given the lease is supposed to continue from year to year.

The Prussian Law requires, therefore, written agreements, and even notarial contracts for leases; it presumes the duration of an expired lease to continue for one year only in general, but the Article 330 leads one to suppose that when the fields and tilled land of a farm are divided according to a rotation of several years, a lease continuing by silent consent presumes a duration of as many years as the rotation requires, and the provisions of the Code Napoléon are similar in this respect, as Article 1774 of the French Code (Code Napoléon) enacts:—

"Le bail des terres labourables, lorsqu'elles se divisent par soles ou saisons, est censé fait pour autant d'années qu'il y'a de soles."

But there exists in Silesia a third mode of letting tilled or grass land, detached from an estate or from a farm, and uninclosed, without either stock or buildings of any description; in fact, the bare land, at so much an acre, for three, but generally for six, years.

These kind of leases are sometimes made direct with the tenants, but generally through the intervention of a middle-man, who sublets the land leased, by dividing it into small lots or patches of a few morgen, or even less. This middleman of course charges a percentage for his trouble and for his responsibility for regular payment of rent, this addition to the rent coming, of course, out of the pockets of those who cultivate the soil thus let.

This system of letting bare fields is known in German by the name of "Ackerpacht," and prevails in almost every part of Silesia, but particularly in those districts where the small holdings predominate, or where there is a class of cottiers or other labourers chiefly dependent for a livelihood on wages.

It appears that the rent of land which may be obtained in this way is much higher than any that could be obtained in any other way, and that many landlords avail themselves of the advantages offered them by the prevailing desire of the inhabitants of towns, or of industrial districts, in devoting a portion of their fields to that purpose.

It appears that there are in the Province of Silesia, in the rural portions of it alone, 59,811 owners of houses, without any land attached to them or cottiers, besides the existence of many others similarly situated (21,445) in the towns. All these people are but too glad to be able to do some farming on a small scale; and it is this disposition on their part, and their wish to grow the own potatoes and vegetables, which has produced this sort of arrangement, the only possible one to a certain class; and I have heard no complaints made on the score of the high rent which it presupposes.

When it is considered that a large tract of country is owned by peasants in Silesia 7,500,000 of nurgen, out of a total area of 15,781,000, this is certainly the last place

where one expects to meet with the letting and sub-letting of small patches of land, and with the existence of middle-men, even though they be but few; and this state of things reminds one somewhat of Ireland.

It must be however borne in mind that not only is this arrangement felt to be highly acceptable to the parties chiefly interested, but likewise that these parties either hold already some land of their own as freeholders, or at least a cottage, and are thus at least partially independent, and that, moreover, it is for their benefit that they are desirous of extending their farming, and are disposed for that purpose to offer the payment of rent at a rate higher than would be likely to be agreed to by any other tenant willing to lease the estate with all the charges, risks, and repairs which attend the farming of an estate, with its buildings, stock, and with the necessity of being provided with capital.

Indeed, I have been told that persons leasing an acre or more in this way are more desirous to procure the means of applying to their own use the rubbish accumulated on the dunghill within their premises, as manure, to occupy the leisure time and the taste of their own children for fieldwork; and when a bit of grassland can be obtained to enable them to keep a cow or a she-goat, when possibly their own allotment would prove insufficient for that purpose.

In cases where the land they are able to procure in this manner assists them in keeping two cows, these are expected not only to supply milk, but are likewise employed to labour in the fields; and their owner, in such a case, does not set an exact money value on work done by them in this manner.

There is no probability of procuring any statistics on this subject; but, more or less, this kind of letting open uninclosed fields is practised in every part of Silesia; and even peasant proprietors occasionally let a few acres in this way, whilst on some large estates a considerable portion of the area is profitably let under such a system. This is the case, I understand, on the property of Count Stolberg Wernigerode, the Governor (ober President) of Silesia, and on the estates of Schwarzwaldan, likewise situated in the district of Landeshut.

Through the kindness of the count, I obtained a general copy of a form of lease used on his Excellency's estates of Kreppelhof, of which I enclose an English translation. It may be observed, however, that the Prussian laws dispense with the obligation of written agreements for letting open fields in this way (ackerfracht).

The rent for a morgen of land let on this system varies from 2 to 7 thalers (6*s.* to 21*s.*) for a Russian morgen, equal to 0·63 of an English acre. In the neighbourhood of Landeshut it is 10*s.* 6*d.* per morgen, a price it could not fetch if let otherwise. In the circuit of Hirsehberg this system is adopted on a large scale on six estates, the morgen paying from 2 to 4 thalers; in the circuit of Bolkenheim the price of a morgen is stated to be from 4 to 7 thalers rent, and even sometimes as high as 10 thalers, whilst the rent on townlands in the same circuit is only $2\frac{1}{3}$ thalers; but then the tenant has to pay taxes and various charges when leasing an estate, which have all to be borne by the landlord when lands are let by the acre. I understand that glebe lands are also often let under this system.

In Upper Silesia the same system prevails, and in the manufacturing districts the miners and other workmen avail themselves of it, the price of morgen of inferior soil near Tarnourtz being as high as 7 thalers per morgen (21*s.*).

The condition of the people leasing these small patches of land is not altered by that fact, although it is somewhat improved; but as they remain in the position of their calling it would be impossible to make any special observations applying to them in particular, as to standard of living, habits, or general circumstances.

British Consulate, Dantzig, December 14, 1869.

Inclosure 4 in No. 8.

Form of Written Agreement or Lease of a Gentleman's Estate ("Rittergut") in Prussian Silesia.

(Translated from the German.)

§ 1. The landlord, N.N., hereby leases his seigneurial property (Rittergut), the estate N., with all kinds of stock, to the farmer N. N., in consideration of the yearly rent of —— thalers, for the term of twelve years, viz., from Midsummer-day next till the same day A. D. 18 . The said rental having been agreed upon as a lump sum ("in Pausch and Bogen"), and irrespective of the items and particulars estimated during the negotiations which were carried on previous to the conclusion of the present covenant.

§ 2. The entrance into possession is to take place according to the forms prescribed by law, in the presence and with the co-operation of valuers, three to be selected by

each party to this indenture, the said valuers to draw up an inventory or schedule containing the description and value of all and singular objects belonging to the said tenement, the value set in the said inventory to be estimated, not according to the actual trade or market price of any single article, but according to the relative or worth for farming purposes of each.

The object of the said contracting parties being that the said tenant should be obliged to replace, irrespectively of any losses or casualties whatever, and to restore to the said owner the farm and all live stock, the same in quality and quantity as he has received into his possession with the tenement; but that he may at the same time be credited, at the expiration of the lease, with any surplus of one kind of stock, as making up for any insufficiency of another sort, provided the sum total of the values be the same on leaving as on taking possession of the said farm.

The owner has a right, and is moreover bound to accept all surplus of stock, paying for the same, whilst the tenant dare not remove any such surplus from the premises, and is of course liable to make good any deficiency in the sum total of the value of the same.

§ 3. The rent to be paid by equal quarterly payments on the following days— 24th September, 24th December, 24th March, and 24th June, —— thalers each time; and if the rent shall be in arrear for the space of eight days after any of the said days, the landlord to have a right to demand and apply for immediate ejectment. All arrears have to be paid, notwithstanding such ejectment, and the tenant thus ejected to have no further claim to compensation for the time the lease had to run, or for any farming arrangements or preparations likely to become productive.

§ 4. The tenant covenants and agrees to pay all existing and future ordinary and extraordinary taxes or imposts, under whatever designation, and without any exception; and also all billeting and war charges, contributions in kind or money, and all warlike levies, military requisitions and transport services; he must also pay all precautions taken against the enemy, seizures, fines, and the like; even moneys paid to the enemy on account of rent cannot be charged to the landlord, but must be borne by the tenant; and the only expenses he can charge to the owner's account are those incurred for constructions ordered by the Government; but roadmaking is an exception to this last clause, and is to be at the tenant's expense.

§ 5. No kind of guarantee of whatever description, other than those specially covenanted for in this indenture, can be claimed by the tenant.

§ 6. The tenant has no right to any kind of compensation by reason of casualties, such as loss of live-stock by contagion or fire, and remains bound to replace the same notwithstanding; he is not entitled to any remission of rent on account of any losses arising by failure of crops, hurricanes, hailstones, mice, locusts, inundations, by war or fire, and must bear the risk of any of these calamities and those arising out of hostilities, even though by them the estate itself ("die substanz") should happen to be affected.

§ 7. Any building decaying on the farm during the lease must be replaced by the landlord, the tenant supplying all the necessary unskilled labour of men, and the horses ("hand und spaunndieuste"). All repairs must likewise be done by the tenant, in so far as skilled workmen may be dispensed with for the purpose. Thatching of roofs, the pasting of partitions with clay, the preparing of threshing-floors and the like, are not to be considered as requiring skilled labour.

§ 8. If the lease should cease within the time assigned by this indenture, without the fault of either of the contracting parties, the tenant will be entitled to a compensation of thalers for every year of the lease remaining till its final expiration; and this sum shall be considered as a full and sufficient indemnity for all improvements or beneficial investments.

§ 9. The tenancy to cease before the expiration of the lease in the following cases:—

1. On the application of the owner whenever the rent has not been paid within eight days of the time appointed for payment. The tenant having no claim in such a case for expected profits out of the harvest next following, but being himself still liable for any deficiency if caused by his negligence.

2. On application of either party when the estate is sold, either privately or in court, or when mortgages are foreclosed, or the revenues of the estate are distressed by creditors; but in all such cases the lease to run to the end of the farming year then commenced, and with four weeks' notice for removal.

A declaration of war not to affect the lease in any way.

§ 10. On surrendering the estate at the termination of the lease three valuers to be appointed again by each party, and a choice between them to be effected by drawing lots; the Judge supplying another in the place of any valuer refusing to serve after eight days' notice.

The said valuers have to pronounce on the following items:—

1. Deficiency or surplus of acreage under crops, calculating the value of seed according to the official market prices at seed-time, and at the rate of 6*d.* (5 silver-groschen) per acre for the labour of cattle, and 1*d.* (6 pfennings) for sowing. If potatoes or other roots have been planted, and all labour connected with them is completed, the digging is to be calculated at 4*s.* 6*d.* (1½ thaler) per acre.

2. The difference as to the quantities of manured and ploughed acres.

Labour with cattle per acre 6*d.* The manured acres 6*s.* each first year, 3*s* in the second, and 1*s.* 6*d.* in the third year, and not to be taken into account after that; no difference is to be made respecting the kind of manure used, but for marl 3*s.* per acre will be credited in whatever year the manuring took place.

3. Besides the above the tenant has to pay at the rate of 6*s.* for every acre less under crops, and is entitled to compensation at the rate of 2*s.* for every acre more.

As regards the repairs of farm buildings which the tenant may have neglected to effect, these are to be estimated by proper appraisers; the labour of farm servants is not to be taken into account, not having been employed at the proper time, but the building materials found on the estate which have been spared may be deducted from the estimated loss.

§ 11. The sum of thalers shall be placed in the hands of the landlord as security on the part of the tenant for the performance of all the engagements of this covenant. No interest is to accrue on this sum, but the capital is to be repaid, except as much as is necessary to reimburse the owner for his claims. The landlord gives a guarantee to the tenant on the estate for this sum and for the performance of his part of the covenant, and he consents to the lease being inserted with such guarantee in the Register of Hypothec.

No right is given to the tenant to remain in possession after the expiration of this lease.

§ 13. The stamp duty and expenses of valuation, in and out of possession, are to be defrayed by the tenant; the expenses of entrance into possession are to be borne by the landlord; the cost of the contract is to be divided between the parties.

Signed and executed &c.,

Dated at this 18 .

Inclosure 5 in No. 8.

Form of a Written Agreement or Lease for Letting Open Lands as practised in Silesia.

(Translation from the German.)

THE agency for Count Stolberg's entailed estates, Kreppelhof, &c., represented by Mr. ——— on the one hand, and N. N. on the other hand, have agreed to the following lease:—

The above named agency hereby lease out of the farm N., attached to the estate, a quantity of open lands, inserted in the register as containing —— acres —— perches, for the term of six years, *i.e.*, from ————, 18—, to ————, 18—, in consideration of an annual rent of —— thalers, payable half yearly in advance.

§ 2. The leased lands having been duly pointed out to the tenant, he hereby expressly renounces all legal or extra legal claims to any reduction of rent in future.

§ 3. In case of any arrears of rent remaining unpaid, the agency can distress the growing crops of the tenant for the same without requiring the assistance of judicial proceedings; the lease also expires *ipso facto* in such case without any compensation being due to the tenant, who is, moreover, liable with his entire property for any payment still due from him.

§ 4. The said open lands are leased in proper condition as to cultivation and manuring, and must be restored likewise in such a state. The meadow land must not be ploughed up.

§ 5. Both the contracting parties renounce every interpretation contrary to the stipulations of the present indenture, which has been duly agreed upon, signed, and executed by them, in duplicate, at Kreppelhof this ————, 18—.

(Signatures.)

Inclosure 6 in No. 8.

Report by Consul White on Peasant Properties in the Province of Upper Silesia.

OF the three sub-divisions of Silesia, that of Oppelu, or Upper Silesia, does not differ much from either of the two others as regards its area or the number of its inhabitants, but it has other distinctive characteristics.

The ratio of its increasing population is greater than anywhere else in Silesia, the religious creed of the inhabitants is principally Roman Catholic, the purely Slavonic element in the rural districts is still very strongly represented, and the proximity of provinces peopled by the same race in Austria and Poland give to this district quite a distinct aspect.

But the chief peculiar features of the tract of country, which would almost justify for it the denomination of Black Country, are its extensive coal-pits and the variety of rich mineral ores, which have made the district a most valuable possession to the Prussian Crown; have fostered the existence of new industries, have contributed to raise very high the value of land, and have finally stimulated every trade, every employment, every undertaking within its borders.

Population.—The civil population of this district in the last census, in December, 1867, was 1,227,781 inhabitants, of whom 192,443 belonged to the urban, and 1,035,338 to the rural population.

The increase of the latter had been as follows:—

1,480 inhabitants in 1858 to each 1,000 in 1831.

From 1858 to 1864 the increase had been at the rate of 1.76 annually to each 100 inhabitants.

From 1865 to 1867 the per-centage of increase had only been 1·069 a-year.

For the entire population (urban and rural) the increase will appear from the following Table:—

Inhabitants in Upper Silesia.

1816	1,000	1849	1,840
1822	1,176	1858	2,020
1831	1,391	1864	2,253
1840	1,726	1867	2,365

The density of population varies much, the average being for the entire district 240 to an English square mile; but whilst some, more especially agricultural localities, have only 168, the circuit of Beuthen, with its industrial activity, is one of the most densely populated, and has 660 inhabitants to a mile.

There are three acres to each inhabitant in the rural portion of the district.

Religions.—As to religion, there were in 1864:—

Evangelical Protestants	109,052
Roman Catholics	10,051,877
Of the Jewish religion	21,342
Of various denominations	110
	1,182,381

Or a per-centage of 89·1 of Roman Catholics to 9·1 Protestants and 1·8 Hebrews.

It appears, further, that the Polish and Slavonic nationality was distinctly preserved by 717,000 inhabitants of that race in the year 1861, thus leaving the German element still in the minority.

Notwithstanding the industrial activity of the district, its agricultural character is still very prominent and important, and this is chiefly owing to the fact that the numerous class of freeholders apply themselves to both pursuits at the same time.

The number of persons employed exclusively in the various mines and factories is variously estimated, nor is it possible to draw a line where the two occupations are carried on by members of the same family, who devote their time alternately to industry, handicrafts, or farming.

The number of persons in agriculture is returned at 652,371, a larger figure than in either of the two subdivisions of Silesia, and, including proprietors, their families, labourers, and farm-servants of both sexes.

Among proprietors, 60,144 make farming their sole occupation, whilst 25,015 hold some auxiliary trade or industry. Further particulars may be found below in table I.

There are forty towns in the district with an area of 166,915 Prussian morgen, part of which is corporate property, and part is owned by the inhabitants.

The return of the holdings in these towns, as to their various sizes, gives the following average:—

Above 600 morgen	19
Below 600 morgen, but above 300	18
Below 300 „ 30	696
Below 30 „ 5	2,825
Under 5 morgen	3,708
Total	7,266

In another official return, the number of these freehold properties within municipal boundaries, is stated at 9,249; but it is known that some proprietors own several patches of land, and, with a view to arrive nearer to an approximate estimate of the actual number of proprietors, most German writers on statistics exclude altogether from their tables non-resident owners (forensen). This has its advantages, but cannot always be adhered to without conveying an inaccurate impression of some localities. Thus within this district, there is a town called Katscher, with 1,350 inhabitants, and an area of 2,716 morgen, in which only 1,826 are owned by sixty-two resident burgesses, whilst the remainder 890 morgen is the property of peasants living in the adjoining villages, and would have to be left out entirely, if no notice was taken of non-resident owners.

The largest holding in this little town consists of 160 morgen (101 acres), the smallest of three morgen, not quite two acres.

As there are 2,025 owners of holdings returned in these towns as residing elsewhere, the number of 7,224 is given generally as to proprietors of land in them; and, moreover, 4.849 are stated to own cottages without land attached to them.

The urban population of Upper Silesia is 192,443 civilians; or to 100 of these there is 6.2 freeholds, and a per centage of 3.75 of persons owning land. But it must be observed that most of these persons are either artisans or tradesmen at the same time.

The population of the above towns is not large, not one of them having 20,000 inhabitants: Neisse has 19,000; Ratibor, 14,554; Beuthen, 14,517; three (Oppeln, Gleiwitz, and Leobschütz) have between 10,000 and 12,000 inhabitants; Neustadt has nearly 9,000 inhabitants; and thirty-three have an average population of 3,100; the largest being at Tarnowitz, 6,377, and the smallest, 1,016, at Sosnoirtz (Kieferstädtel).

The area of Upper Silesia consists of 5,095·8 English square miles (239·7 geographical square miles), or 3,261,358 English acres. The different kinds of land, and their respective per-centage of acreage, are given in Tables III and IV.

The property (omitting highways, canals, &c.) is distributed as follows within the district:—

AVERAGE of various kinds of Property in Upper Silesia.

	Prussian Morgen.
Crown property, including forests	353,222
Private property of Royal Princes	37,532
Corporate property of all kinds	151,265
Private property situate within municipal boundaries	115,934
Entailed baronies and estates	766,853
Gentlemen's estates, not entailed	1,474,054
Rural property owned by peasants	2,058,950
	5,057,810

The different kinds of land in the district, and their per-centage to the entire area, will be given in the following Tables III and IV.

In Tables I and II are given the existing statistical data on the subject of persons engaged in agriculture, and in what capacity, of the number of landed properties returned separately in towns, on estates and in communes, consisting of peasant holdings, with the acreage of each class (Table II). In this table I have likewise inserted the number of peasant proprietors working with cattle or horses, or without either, as supplied by the official returns collected in 1859.

With a view of giving a more detailed account of the different properties, a table (V.) is reproduced from official sources, giving the five different dimensions of all kinds of properties within the district, separating those situated within municipal boundaries from the rural ones. Those under columns 4 and 5 include the property of the gentry as well as of peasants, those in the three first columns of Table V give the following relative proportions:—

PER-CENTAGE of Peasant Holdings in Upper Silesia.

All Holdings under 300 Morgen (190 Acres.)			Total.	Number of large Proprietors of Estates, in proportion to foregoing.
Proportion.				
Under 5 Morgen.	Above 5 and under 30 Morgen.	Above 30 and under 300 Morgen.		
363	447	190	1,000	6·8

(Table 1.)—OCCUPATIONS of the Rural Population in the Four Districts of Upper Silesia, stating the Numbers employed in each, also those among them owning Lands or Cottages.

Name of District.	Rural Population, Census of 1867.	Engaged in Agriculture.													Peasant Properties.		
		Total No. of Persons.	Exclusively.			As an Auxiliary Employment.			Stewards, Agents, &c.	Female Housekeepers.	Farm Servants.		Labourers.		Residing on their Holdings.	Living away from their Land.	Owning Cottages only.
			Owners.	Tenants.	Families.	Owners.	Tenants.	Families.			Male.	Female.	Male.	Female.			
															No.	No.	No.
1. Oppeln, Kreuzburg, Rosenberg, Strelitz ..	211,150	137,484	12,058	224	65,644	5,145	257	26,154	561	114	6,540	6,308	6,793	7,686	18,476	3,728	4,236
2. Beuthen, Gleiwitz, Lublinitz, Pless	339,237	172,604	15,758	492	84,341	6,512	637	30,267	737	115	8,283	8,085	7,966	9,411	20,993	1,782	5,129
3. Ratiber, Rybink, Cosel, Leobschütz	278,824	196,454	16,773	311	95,157	8,578	424	39,157	733	119	7,340	8,413	9,683	9,766	29,270	6,753	7,452
4. Grotthan, Neisse, Neustadt, and Falkenberg ..	206,127	145,829	15,555	169	73,591	4,780	265	20,288	560	128	7,473	8,788	6,638	7,594	20,941	4,533	3,911
Total	1,035,338	652,371	60,144	1,196	318,733	25,015	1,583	115,866	2,591	496	29,636	31,594	31,080	34,457	89,680	16,796	20,728

(Table 2.)—DISTRIBUTION of Lands in Four Districts of Upper Silesia among Towns, Large Landowners, and Peasant Proprietors, giving the Numbers of each, and dividing the latter into Two Classes, as they employ Horses or Cattle for Tillage, or are unable to do so.

Distriet.	Total Area.		Townships.			Estates and Manors.			Peasant Villages.			Peasant Properties.			
	English Acres.	Prussian Morgen.	Towns.	Land in Towns.	Holdings.	Area.	Estates.	Knights' Estates.	Area.	Village Communes.	Peasant Holdings.	Employing Cattle for Tillage,		Not able to employ Cattle.	
				Morgen.	No.	Morgen.	No.		Morgen.		No.	Morgen.	No.	Morgen.	No.
1. Oppeln, Kreuzburg, Rosenberg, Strelitz ..	933,322	1,479,881	10	38,277	1,682	899,152	232	162	542,681	428	22,204	297,278	7,788	60,053	10,448
2. Beuthen, Gleiwitz, Lublinitz, Pless ..	918,420	1,457,994	11	49,362	2,525	914,164	301	251	496,872	406	22,775	266,766	8,446	57,443	12,100
3. Ratiber, Rybink, Cosel, Leobschütz ..	759,242	1,202,296	9	43,500	2,468	520,176	624	240	640,192	455	36,023	349,708	9,288	80,085	19,278
4. Grotthan, Neisse, Neustadt, and Falkenberg	650,374	1,029,625	10	35,776	2,574	385,125	402	243	609,365	399	25,474	384,614	7,889	67,036	14,363
Total	3,261,358	5,169,796	40	166,915	9,249	2,718,617	1,589	896	2,289,110	1,688	106,476	1,298,366	33,411	264,617	56,189

(Table 3.)—DISTRIBUTION of every kind of Cultivated and Uncultivated Land in the Districts of Upper Silesia, stating quantities of each in Prussian Morgen.

Districts.	Total Area.			Uncultivated.					Premises including adjoining Gardens.	Cultivated Lands.					
	Geographical Square Miles.	English Square Miles.	Prussian Morgen.	Water.	High- and Water-ways.	Waste.	Not capable of Cultivation.	Total.		Garden Land.	Tilled Land.	Meadows.	Pasture Land.	Woods and Plantations.	Total.
1. Oppeln, Kreuzburg, Rosenberg, Strelitz ..	68·6	1,458·3	1,479,881	6,885	35,439	4,228	378	46,930	14,552	3,396	674,076	105,772	39,305	595,850	1,418,399
2. Beuthen, Gleiwitz, Lublinitz, Pless ..	67·5	1,435·0	1,457,994	11,706	31,918	3,758	772	48,154	19,354	4,097	654,550	119,981	48,971	562,890	1,390,486
3. Ratiber, Rybink, Cosel, Leobschütz ..	55·8	1,186·3	1,202,296	6,539	31,776	1,238	163	39,716	23,044	4,580	780,681	76.948	20,434	256,893	1,139,536
4. Grotthan, Neisse, Neustadt, and Falkenberg	47·8	1,016·2	1,029,625	6,155	27,636	931	71	34,793	15,968	6,833	689,402	90,208	6,736	185,685	978,864
Total.	239·7	5,095·8	5,169,796	31,285	126,769	10,155	1,384	169,593	72,918	18,903	2,798,709	392,909	115,446	1,601,318	4,927,385

(Table 4.)—PER-CENTAGE of Acreage of the various kinds of Land in the Districts of Upper Silesia.

District.	Total Area.		Land for Tillage.	Gardens.	Meadows.	Pasture.	Woods and Plantations.	Total Cultivated.	Premises.	Total Uncultivated.
	Square Miles.	Acres.								
1. Oppeln, Kreuzburg, Rosenberg, Strelitz	1,458·3	933,322	48·6	0·2	7·3	2·5	37·3	95·9	1·0	3·1
2. Beuthen, Gleiwitz, Lublinitz, Pless	1,435·0	918,420	45·3	0·3	8·0	3·4	38·3	95·3	1·4	3·3
3. Ratiber, Rybink, Cosel, Leobschütz	1,186·3	759,242	65·6	0·4	6·3	1·6	20·9	94·8	1·9	3·3
4. Grotthan, Neisse, Neustadt, and Falkenberg	1,016·2	650,374	66·9	0·6	8·9	0·6	18·0	95·0	1·5	3·5
Average for Total	5,095·8	3,261,358	56·6	0·38	7·6	2·02	28·6	95·2	1·5	3·3
Average according to M. Meitren	..	..	54·1	0·4	7·6	2·2	31·0	95·3	1·4	3·3

(Table 5.)—STATEMENT of Peasant Holdings of different Dimensions in the District of Upper Silesia, distinguishing Rural and Urban portions, according to their sizes.

District.	Under 5 Morgen.	Above 5 and under 30 Morgen.	Above 30 and under 300 Morgen.	Above 300 and under 600 Morgen.	Above 600 Morgen.	Total.
1. Oppeln, Kreuzburg, Rosenberg, Strelitz	4,003	8,708	3,702	39	188	16,638
2. Beuthen, Gleiwitz, Lublinitz, Pless ..	4,969	10,210	2,660	61	234	18.134
3. Ratiber, Rybink, Cosel, Leobschütz ..	11,355	10,028	4,166	72	198	25,819
4. Grotthan, Neisse, Neustadt, Falkenberg.	9,105	8,973	6,291	68	173	24,610
Total in rural portions	29,432	37,919	16,819	238	793	85,201
Holdings situate within townships. ..	3,708	2,825	696	18	19	7,266
Total for entire sub-division ..	33,140	40,744	17,515	256	812	92,467

By way of showing the practical working of the system of land properties in this part of Silesia, I have considered it necessary to give a summary description of a few districts included in the foregoing Tables, and illustrating, as far as possible, the numerical results which are stated there.

I shall begin with the circuit of Oppeln, which is included in the first sub-division, and which has given its name to the entire district of Upper Silesia, as its principal town, Oppeln, is the residence of the Government authorities for that district.

Oppeln.—The area of this circuit is 550 English square miles (25·9 geographical square miles) with a proportion of 88,364 in the rural portion, and 11,004 and 2,507 in the two towns. The area of the latter is only 4,070 acres, whilst that of the former is 348,330 acres. Of the total population, 98,875, 85·7 per cent. are Roman Catholics, 1·3 are Hebrew, and the remaining 13 per cent. are Protestants.

The density of population for the entire circuit is only 178·8 persons to a square (English) mile, which is low for this part of Silesia, though the rate of increase of population is fully an average one, but this is explained by the large tract of forests still in existence.

The woods and plantations constitute 45·9 per cent. of the total acreage; tilled land only 38·6 per cent; grass lands 11·1, so that there are nearly two acres to each inhabitant if the land under forest is not taken into account.

As regards industries, there is a number of weavers in flax and cotton in one locality, and iron-works in another; there are four glass-works and a good many flour-mills; two of these are worked by steam. 14,651 persons are returned as employed in industries, trade, and handicrafts.

The property of this circuit is distributed as follows:—

The Crown holds 148,586 acres, of which 94 per cent. consists of forests.

Three large estates, viz.: Carlsruhe, Turawa, and Krappitz, holding, together, 33,000 acres, are entailed property, whilst 4,000 acres are either glebe lands or the property of corporations; about 8,000 acres are in the hands of a dozen gentlemen, under the denomination of manors and estates, whilst 43 per cent. of the entire area of the circuit are divided into 139 village communes or parishes, and these constitute the peasant properties in the circuit.

The number of persons owning land employed solely in agriculture is given at 4,811; of those having some auxiliary occupation, at 2361.

The number of owners of land is returned at 2,918 peasants employing horses or cattle for tillage, and at 5,076 of those who employ neither.

The number of peasant proprietors residing on their holdings is stated at 8,681, which gives a much larger number than the two foregoing ones.

Lastly, the following Table of the different sizes of peasant holdings within the circuit is extracted from official sources, and includes those in towns:—

Prussian Morgen.	Number of Holdings.	Total Acreage in Prussian Morgen.	Average Size in Prussian Morgen.
Upwards of 600..	20	19,281	964
Above 300 under 600	9	4,177	464
„ 30 „ 300	1,556	129,084	82
„ 5 „ 30	3,641	82,467	22
Below five morgen	2,127	6,081	28
Total	7.353	241,090	..

It would be no use endeavouring to reconcile these differences in the number of peasant proprietors, as they all proceed from reliable sources, and do not appear so

striking in the general statistics when the differences in the totals are not so considerable.

One thing appears certain, that whilst so large an area of this circuit is in the hands of the peasant proprietors, there are two-thirds of these, or about 5,000, who are unable to employ even cows for tillage, and are therefore disadvantageously situated. The position of this class deserves further researches, and I think I cannot do better than by giving some statistics and facts of a more minute character, throwing light upon the subject.

The origin of many of these small holdings may be traced to the reign of Frederic II. of Prussia, who, after becoming Master of Silesia, was desirous to strengthen in that province the German and Protestant element, and from 1770 to 1774 His Majesty adopted various measures with a view to induce immigrants of that description to settle on Crown lands, mostly in the midst of forests. They obtained holdings consisting of 12 morgen, land for tillage, 4 morgen grass land, and 1 morgen for a garden and premises, and, moreover, pecuniary assistance was given them. As this plan did not make sufficient progress, the religious distinction was gradually dropped. Landowners were even encouraged by a bounty to introduce new settlers as proprietors on a similar system on their estates, and the result has been that there are thirty-six hamlets of this kind, and dating their existence from that time in the circuit of Oppeln at present.

I shall attempt to give an account of a few of them :—

Grabchock, 16 miles from Oppeln, in the midst of royal forests; 292 inhabitants (of these 279 Roman Catholics); 42 inhabited houses; 480 morgen (303 acres); sandy, damp soil.

Live stock :—8 horses, 20 oxen, 70 cows, 30 young cattle, 6 swine.

22 owners of land, 4 of cottages only, 15 lodgers.

Murow, 18 miles from Oppeln; proximity to glass-works; 544 inhabitants (422 Roman Catholics, 115 Protestants, 7 Jews); 41 inhabited houses; 290 morgen (187 acres); a poor soil.

Live stock—14 horses, 6 oxen, 82 cows, 15 calves, and 12 swine.

Owners—11 gardeners, 5 cottiers with land, 25 without, and 40 hedgers.

Passing to another part of the circuit we find—

Munchausen, a hamlet, twenty miles from Oppeln, founded in 1774. The settlers obtained each a gift of 12 morgen arable land, 4 of meadow, and 1 morgen for garden and premises. The soil is sandy. A further grant of land was bestowed on them, so that each holding consists at the present day of 28 morgen and a fraction (18 acres). There are now eighteen proprietors, three cottiers, one of them with land, and thirteen lodgers; 201 inhabitants, of whom 122 are Protestants.

The land does not afford a sufficient subsistence to the owners, and they have to go out as labourers to the adjoining forests, or to work as weavers or shoemakers at home.

Friedrichgraetz, a colony of Tchekh Protestant refugees, 18 miles from Oppeln, established in 1752 by Frederick the Great, and patronized by that King. Population, 1,313; of whom only 22 are not Protestants. The soil is poor, and the owners have to work at various handicrafts. There are 42 shoemakers and 136 handloom weavers in the village, which contains 189 inhabited houses. The land consists of 2,368 morgen arable land, and 1,400 morgen forest and common pasture, and is divided into 97 holdings of 23 morgen (about 14½ acres) each, which are owned at present as follows :—1 proprietor has 3 holdings; 6, have two each; 1, has 1½; 75, have 1 each; 11, have half a holding each.

If we go into the large villages, most of them of very ancient origin, we find a number of prosperous peasants in them with large properties, and a certain number of smaller ones, or of cottiers by their side, all freeholders.

Gross Schimnitz, 8 miles from Oppeln, 680 inhabitants (666 Roman Catholics, 8 Jews), 67 inhabited houses, area 2,512 morgen, distributed as follows :—2,000 morgen arable land; 28, premises; 62, roads, &c.; 65 garden land; 60, meadows; 109 pasture; 188, wood.

Proprietors—24 peasant proprietors; 65 gardeners' allotments; 27 cottiers, of whom 7 have some land.

Quantities of land held by each not stated.

There are two mills in the village, two blacksmiths, and seven shops.

Live stock, 83 horses, 15 foals, 1 bull, 16 oxen, 176 cows, 58 young cattle, and 109 swine.

The breed of cattle is pretty good, and may be contrasted favourably with that of the circuit, which is generally not of the best. The old triennial system of rotation is still adhered to by the farmers, with certain modifications.

Having been told that the Village of Sackran or Zackrow, near Oppeln, was considered a good specimen of a village presenting a favourable view of peasant ownership, both as regards farm-buildings and cultivation, I determined to devote a day to visit it. I found, in reality, that the 9 peasant proprietors who own land here are in a condition of prosperity; they are of Sclavonic origin, and speak Polish; their holdings are not all of the same size. There are 1,100 morgen of land, of which they have the largest share; but there exist, moreover, in the village, 15 smaller holdings and 9 cottiers with land; the total population consists of 482 inhabitants. The live stock of the peasant consists of 62 horses, 50 oxen, 90 cows, 60 young horned cattle, and 60 swine.

A few years ago, 700 morgen of common were divided among the proprietors, under the Law for the Cessation of Commons, &c.; each peasant obtained 56 morgen, the smaller holders receiving a proportional share of the remainder. One of the peasant proprietors whom I visited told me that he had purchased the property from his own father, during his lifetime, to avoid any division at his death; that the property consisted then of 106 morgen, for which he paid, including stock, 1,500 thalers; that his brother and sister were paid their shares of the proceeds at the demise of the father. He further told me that he had since added to his property 18 morgen by purchase, and had had his share of the common; that the latter arrangement had been at first unpalatable to him, but that he had since seen the advantages of stall-feeding of cattle in preference to grazing on a common.

The habit of settling a holding in this way by the parents on one of their children by preference, I have fully described in my general Report. I have had sufficient opportunities to convince me that it prevails very generally in the provinces visited by me.

Kreuzburg and Rosenberg.—The two districts of Kreuzburg and Rosenberg, which are both of them included in the 1st district of this subdivision, have this peculiarity about them, that they have a very considerable proportion of middle-sized holdings, between 50 and 60 per cent., and also that more than one-fifth of the peasant properties belong to the larger kind, whilst a smaller proportion of small holdings under 3-16 acres, are to be met with than is the case in most of the circuits of Silesia.

The acreage of lands under forest is 45·7 in Rosenberg, and 17·6 per cent. in Kreuzburg; whilst that of tillage is 40·8 and 60·3 respectively in each.

The breed of cattle on peasant properties I have found to be inferior in these parts of Silesia to what I had seen in the neighbourhood of Glogau.

It is in the neighbourhood of the small agricultural townships that the largest number of smaller holdings is to be found, whilst the villages farther off from these are almost generally divided into larger possessions.

Thus, in the vicinity of Kreutzburg (a township with 4,600 inhabitants), the estate of Ellguth was sold in lots to peasants in 1854; in the adjoining village (bearing the same name as the estate), there are 18 larger and 18 smaller peasant properties, besides 12 cottiers and a shop, with a total area of 925 morgen arable land and 207 morgen meadow.

In the hamlet of Sophienthal, there are 10 proprietors owning 10 morgen land for tillage, and 5 of grass land each.

At Ober Ellguth 700 morgen were divided between twelve peasant proprietors and ten gardeners' allotments; at present there are fifty-four persons owning various portions of the same area.

At Burtülschütz, a village near Constadt, there are ten owners of small allotments, of which the largest consists of 13½ morgen, the smallest of 2½ only. Of nine cottiers residing here, only one holds 2½ morgen, the others own only habitations.

In the village of Simmenan, there are seventy-five owners of land, the largest possession consisting of 40 morgen, the smallest of four. A century ago it appears there existed eleven peasant properties of more considerable dimensions, which have thus dwindled away. The last so called peasant holding, "Banerhof," was subdivided in 1833. The entire area of the village is 1,200 morgen; the present number of inhabitants 1,352; of habitations 109.

The circuit of Rosenberg presents great similarities with the foregoing, and both of them contain a very small number of industries, and are farming districts almost exclusively.

Beuthen.—In contrast to these is the circuit of Beuthen, included in the second district of the present Report, and the focus of Silesian mining industry. Here we have the most rapid increase in population, and the greatest density, viz., 660 inhabitants to an English mile. Here also the position of farming to industry is

inverted, the former becoming the auxiliary occupation for all, even on middle-sized farms, where horses are frequently employed to carry loads from a coal pit in the vicinity, and to earn money in diverse ways. This accounts for the large number of horses in this circuit, viz., 23 to a square mile.

The area of the circuit is 291 English miles, the rural population 160,000, and the urban, in four towns, 32,000, and it would be quite beyond the scope of this Report to attempt to give a sketch of the great industrial activity that prevails within its limits.

One half of the soil is under tillage. Of an area of 186,000 acres 77,000 are the property of two branches of the family of Count Henckel von Donnersmark, and about 20,000 acres more are in the hands of proprietors of estates, whilst 67,600 acres constitute the peasant property of the circuit.

On this last area there were, in 1859, 487 owning more than 19·1 acres, 2,702 more than 3·16 and less than 19·1 acres, and 2,052 less than 3·16 acres. Whilst the number of persons owning land within municipal boundaries was 356 on an area of 7,000 acres.

Without possessing any precise data it may be assumed that one-half of the lands belonging to the villages are the property of larger holders, thus giving an average of nearly 70 acres to each such proprietor, and 11 acres and 2 acres as an average of each of the other two classes of middle-sized and small freeholders.

Of course the production of all these holdings is especially adapted to the requirements of the numerous population of workmen in the mines and coal-pits; eggs, butter, milk, and vegetables, are all in great demand, and the circuit does not produce enough corn for its own consumption. The habits of the people, likewise, are naturally affected by contact with a numerous class differently employed; it is worth observing, however, that out of a population of 160,000 rural inhabitants, 37,000 are more or less engaged in agriculture.

Leobschülz.—In the third district referred to in the tables is included the circuit of Leobschütz, containing some of the best soil in Upper Silesia, 170,000 acres (of which 12,650 belongs to three towns), with only 5 per cent. forest, 4 per cent grass land, and a very large acreage, *i.e.*, 85·8 per cent. under tillage.

The population of this circuit amounted in 1867 to 80,581 persons, of whom 91·6 are Roman Catholics.

The rural portion of the circuit contained 64,747 civilian inhabitants, and therefore 2·47 acres to each.

I have considered this circuit as worth describing more minutely as it is situated under most favourable circumstances for farming, and not only does agriculture constitute its principal occupation, but, for some reason for which I am not able to account, the former estates of the gentry have most of them disappeared, and peasant properties are to be found in their stead. It would appear that on some properties this happened fifty years ago, and that the industry and economy of the peasant class have enabled them to make great advances in this direction, and by availing themselves of every opportunity of obtaining the ownership of deeply mortgaged estates, they have had occasion to satisfy that craving for ownership which is innate in the Silesian peasant.

In the mean time the husbandry of the remaining estates has been very much improved, and I was assured that further subdivision in this direction was not likely to take place. About 12 per cent. of the entire area constitutes all that is left to those who have inherited the position of former landlords, 7 per cent. are under towns, and 80 per cent. of the soil is in the hands of peasant owners.

Of the thirty-one seigneurial estates recorded in the statistical works on Prussia, as existing in this circuit, four, I understand, have been expunged since from the register ("Matrikel"), and a few manors remain with any demesne of those still having lands. Four hold together 4,878 morgen; two, upwards of 6,000; four, about 2,000 each; four, above 1,000; four, 600; and four, 300: total, 22 estates.

In ancient times the peasants doing service to each estate held from 30 to 180 morgen land, and were denominated occupiers of full holdings of three-fourths, one-half, and one-fourth peasant holdings according to the size of these.

Those who discharged certain special functions were called "Erbrichter," and held from 100 to 300 morgen. There were also in olden time gardeners' allotments of 10 to 15 morgen each, and cottiers with a small garden attached to the house, or with none at all.

These denominations vary in different localities, but this state of peasant tenures was the same all over the provinces. By a careful compilation from minute statistics

of this circuit I find that at the present day the following number of properties are still designated by these old-fashioned names in ninety-one villages and hamlets:—24 "Erbrichter" holdings; 563 peasant holdings; 51 partial peasant holdings; 1,692 gardeners' allotments; and 1,187 cottiers with small patches of land: total, 3,517.

The mode in which this subdivision of estates was carried out was the following:—An association of some peasants was formed, the purchase was effected, and the fields were at first cultivated for joint account, but ultimately were partly detached by those among the new owners who had their own adjoining; partly were made into lots and sold. The manor itself was at last sold to some bidder, curtailed of its possessions.

It must be expected that peasants who had reached the position of purchasers of fresh land must have had the command of capital, and their houses and farm buildings show evidence of substantial prosperity; the increase of livestock in the circuit may be also adduced as a trustworthy criterion.

Number of Live Stock in the Circuit of Leobschütz.

	1819.	1831.	1864.
Horses..	6.593	5,835	8,719
Horned cattle.	14,842	14,424	26,702
Sheep	45,246	50,860	40,716
Swine	Not stated.	Not stated.	6,697

The following data in illustration of the facts adduced speak for themselves:—

Groebing, formerly an estate, was sold to peasants in 1861; area, 7335 morgen, good farming; live stock, 228 horses, 597 cows, 5 bulls, 117 calves, 453 sheep; the former residence of the lord of the manor turned into a public-house. Proprietors, 2 so-called "Erbrichter" farms, 53 peasant proprietors, 85 gardeners' holdings, 90 cottiers with allotments.

A hamlet, New Wiedeck, founded in 1776, is attached to the estate of Pommerowitz; area, 80 morgen; 24 owners of allotments; cattle, 28 head. Inhabitants go out as labourers.

Village, Damark; 24 gardeners' holdings and 29 cottiers' allotmonts; ar a, 246 morgen; live stock, 11 horses, 78 cows and 15 calves.

The village of Thomnitz consists of an area of only 60 morgen of good land, divided between 8 owners of allotments and 10 cottiers with land. These people go out as masons or carpenters to Poland.

Village Glaesen; 2068 morgen land, 175 morgen grass-land besides; very good soil; wheat, rapeseed, and barley grown; 21 peasant properties, 22 gardeners' holdings, 64 cottiers with small allotments; they live exclusively from their land. Two schools, 174 pupils.

The following short table has been prepared by me in further illustration of the state of a few villages in this circuit.

Name of Village.	Area.			Peasant Owners.					Total Population.
	Lands.	Meadow.	Pasture.	Large Farms.	Proprietors.	Gardeners.	Cottiers.	Total.	
Koesling ..	1.619	99	..	1	16	11	32	60	458
Dirschel ..	3,946	194	160	..	19	26	123	168	1,380
Ehrenberg ..	579	..	..	..	4	..	15	19	136
Roesnitz ..	3,811	148	180	..	29	51	66	146	1,086
Branitz ..	1,038	..	..	..	12	21	46	79	1,860
Bleischwitz ..	3.474	230	309	..	32	..	77	109	1.158

A hamlet of the name of New Katscher, near the town of that name, consists of 39 morgen (24½ acres), purchased from a neighbouring estate for the construction of 50 labourers' cottages, with small gardens attached to them. Some of these are still in debt for part of the purchase money, and pay 5 per cent. per annum for what remains due.

Conclusion.—Upper Silesia.—This district contains a fewer number of small holdings than other parts of Silesia, and still I was told by the President Viebahn, a good authority, that there are twelve villages where the owners are not provided with working cattle; on the whole, however, the differences between the state of things between one village or another are local and not provincial, and I have endeavoured to give in this portion of my Report as minute statistics as I could obtain.

British Consulate, Dantzig, December 21, 1869.

Inclosure 7 in No. 8.

Statistical Tables, illustrating the preceding Reports on the Province of Upper Silesia.

(Table 1.)—OCCUPATIONS of the Rural Population in the District of the Hills of Lower Silesia, stating the Numbers in each, also those a mon owning Lands or Cottages.

Circuit.	Rural Population Census of 1867.	Engaged in Agriculture.													Peasant Proprietors.		
		Total number of Persons.	Exclusively.			As an Auxiliary Employment.			Stewards, Agents, &c.	Female Housekeepers.	Farm Servants.		Labourers.		Residing on their Holdings.	Living away from their Land.	Owning Houses only.
			Owners of Land.	Tenants.	Families of Foregoing.	Owners of Land.	Tenants.	Families of Foregoing.			Male.	Female.	Male.	Female.			
															No.	No.	No.
Bolkenhain	29,203	18,017	1,576	30	5,939	1,280	16	4,240	96	26	1,705	1,195	1,067	847	3,214	288	586
Hirschberg	47,616	20,693	1,724	46	6,439	1,884	80	6,607	30	23	1,203	1,103	985	572	4,613	569	2,616
Tauer	24,192	14,875	1 494	15	5,263	632	12	2,032	84	30	1,610	1,524	1,114	1,065	2,239	283	640
Landeshut	32,910	19,666	1,575	39	6,568	1,847	25	6,628	18	6	1,131	904	627	298	3,876	644	657
Loewenberg	55,623	38,563	4,039	94	14,692	2,418	261	8,812	44	26	2,372	2,402	1,860	1,543	8,024	1,192	3,419
Schoenan	24,937	15,137	1,326	36	5,130	1,068	50	3,314	45	13	1,247	1,075	959	874	2,612	406	1,162
Total	214,481	126,915	11,734	260	44,031	9,129	444	31,633	317	121	9,268	8,203	6,612	5,199	24,578	3,382	9,080

(Table 2.)—DISTRIBUTION of Lands in the District of the Hills of Silesia, among Towns, Large Landowners, and Peasant Proprietors, giving the Numbers of each, and dividing the latter in Two Classes, as they employ Horses or Cattle for Tillage, or are unable to do so.

Circuit.	Total Area.		Townships.			Estates and Manors.			Peasant Villages.			Peasant Properties.			
	English Acres.	Prussian Morgen.	Towns.	Land in Towns.	Holdings.	Quantities of Land.	Total of Estates.	Knights' Estates.	Quantities.	Village Communes.	Peasant Holdings.	Employing Cattle for Tillage.		Not able to employ Cattle.	
				Morgen.	No.	P. Morgen.	No.	No.	P. Morgen.		Total.	Morgen.	No.	Morgen.	No.
Bolkenhain	88,439	140,458	2	2,340	187	52,520	42	35	85,679	57	3,502	45,104	461	19,969	3,026
Hirschberg	148,305	234,280	2	11,846	274	114,614	72	49	107,890	52	5,182	38,069	557	18,977	5,267
Tauer	80,276	128,216	1	5,291	112	53,479	39	36	69,605	48	2,522	42,923	420	13,367	2,576
Landeshut	97,963	155,657	3	7,012	392	39,325	22	14	109,320	57	4,520	59,842	792	18,977	4,045
Loewenberg	185,042	293,224	5	10,802	992	80,165	69	39	202,313	97	9,216	95,270	1,010	30,921	9,509
Schoenan	85,718	136,566	2	2,298	151	49,250	40	35	84,925	38	3,018	33,431	427	14,161	3,028
Total	685,743	1,088,401	15	39,589	2,108	389,353	287	208	659,732	349	27,960	311,639	3,667	116,372	27,615

(Table 3.)—DISTRIBUTION of every kind of Cultivated and Uncultivated Lands in the Hill District of Lower Silesia, stating quantities of each in Prussian Morgen.

Circuit.	Total Area.			Uncultivated.					Premises including adjoining Gardens.	Cultivated Lands.					
	Geographical Square Miles.	English Square Miles.	Prussian Morgen.	Water.	High- and Water-ways.	Waste.	Not capable of Cultivation.	Total.		Garden Land.	Tilled Land.	Meadows.	Pasture Land.	Woods and Plantations.	Total.
Bolkenhain	6·5	138·19	140,458	99	2,639	54	2	2,794	2,140	2,367	82,062	15,655	2,614	32,728	135,526
Hirschberg	10·9	231·73	234,280	1,340	3,650	237	161	5,388	4,468	848	81,007	25,168	2,657	114,744	224,424
Tauer	5·9	125·43	128,216	62	2,794	296	..	3,152	2,502	12,70	88,886	7,908	429	24,070	122,563
Landeshut	7·2	153·07	155,657	18	2,539	69	33	2,659	2,319	76	78,077	26,298	1,484	44,744	150,679
Loewenberg	13·6	289·13	293,224	591	5,576	79	1	6,247	6,829	3,938	155,370	28,937	3,990	87,913	280,148
Schoenau	6·3	133·93	136,566	160	2,711	19	29	2,919	2,301	1,990	70,338	17,481	3,085	38,453	131,347
Total	50·4	1071·48	1,088,401	2,270	19,909	754	226	23,159	20,559	10,489	555,840	121,447	14,259	342,652	1,044,687

(Table 4.)—PER-CENTAGE of Acreage of the various kinds of Land in the Hill District of Lower Silesia.

Name of Circuit (Kreis).	Area in English.		Land for Tillage.	Gardens.	Meadows.	Pasture.	Woods and Plantations.	Total Cultivated.	Premises.	Total Uncultivated.
	Square Miles.	Acres.								
Bolkenhain	138·19	88,439	58·5	1·7	11·1	1·9	23·3	96·5	1·5	2·0
Hirschberg	231·73	148,305	34·6	0·4	10·7	1·1	49·0	95·8	1·9	2·3
Tauer	125·43	80,276	69·3	1·0	6·2	0·3	18·8	95·6	2·0	2·4
Landeshut	153·07	97,962	50·2	0·0	16·9	1·0	28·8	96·9	1·5	1·6
Loewenberg	289·13	185,042	53·0	1·3	9·9	1·4	30·0	95·6	2·3	2·1
Schoenau	133·93	85,718	51·5	1·5	12·8	2·3	28·1	96·6	1·7	2·1
Total	1071·48	685,743	52·8	1·0	11·3	1·3	29·7	96·1	1·8	2·1

(Table 5.)—STATEMENT of Peasant Holdings of different Dimensions in the Rural portions of the Hilly District of Lower Silesia, according to their sizes.

Name of Circuit (Kreis).	Under 5 morgen.	Above 5 under 30 morgen.	Above 30 under 300 morgen.	Above 300 under 600 morgen.	Above 600 morgen.	Total.
Bolkenhain	1,273	1,074	470	18	31	3,566
Hirschberg	3,038	1,032	440	10	11	4,531
Tauer	1,493	778	441	9	32	2,753
Landeshut	2,992	919	768	8	15	4,702
Loewenberg ..	5,731	1,610	828	47	22	8,238
Schoenau.. ..	2,248	876	420	3	29	3,576
Total.. ..	17,475	6,289	3,367	95	140	27,366

(Table 6.)—OCCUPATIONS of the Rural Population in (seven Circuits) District of Liegnitz, Lower Silesia, stating the Numbers in each, also those among them owning Lands or Cottages.

Circuit.	Rural Population. Census of 1867.	Engaged in Agriculture.													Peasant Proprietors.		
		Total No. of Persons.	Exclusively.			As Auxiliary Employment.			Stewards, Agents, &c.	Female Housekeepers.	Farm Servants.		Labourers.		Residing on their Holdings.	Living away from their Land.	Owning Houses only.
			Owners of Land.	Tenants.	Families of Foregoing.	Owners of Land.	Tenants.	Families of Foregoing.			Male.	Female.	Male.	Female.			
															No.	No.	No.
Freistadt	37,083	27,007	2,920	47	11,637	1,300	57	4,119	143	26	2,403	2,137	920	1,298	4,484	747	753
Glogau	55,359	37,803	4,071	50	16,152	1,118	57	4,376	247	41	3,821	3,162	1,728	2,980	6,073	1,072	871
Grünberg	38,359	26,031	2,752	37	12,118	1,126	58	3,807	151	26	1,472	1,392	1,108	1,984	4,888	874	635
Goldberg-Haynau	38,685	24,461	2,724	54	8,447	1,069	52	2,900	138	73	2,833	2,450	1,673	2,048	3,971	551	1,503
Liegnitz	47,774	29,639	2,896	56	11,253	856	99	3,313	152	51	3,045	2,710	2,332	2,876	4,153	1,322	950
Lüben	28,751	17,869	1,755	18	7,022	765	10	2,700	155	35	1,557	1,202	1,101	1,549	2,712	443	462
Sprottau	26,835	19,539	1,892	39	7,251	911	136	3,820	82	19	1,685	1,434	930	1,340	2,741	730	560
Total	272,746	182,349	19,010	301	73,880	7,145	459	25,035	1,068	271	16,816	14,487	9,792	14,075	29,022	5,739	5,734

(Table 7.)—DISTRIBUTION of Lands in the District of Liegnitz (seven Circuits), in Lower Silesia, among Towns, Large Landowners, and Peasant Proprietors, giving the Numbers of each, and dividing the latter in Two Classes, as they employ Horses or Cattle for Tillage, or are unable to do so.

Circuit.	Total Area.		Townships.			Estates and Manors.			Peasant Villages.			Peasant Properties.			
	English Acres.	Prussian Morgen.	Towns.	Area.	Holdings.	Area.	Total of Estates.	Knights' Estates.	Area.	Village Communes.	No. of Holdings.	Employing Cattle for Tillage.		Not able to Employ Cattle.	
				Pr. Morgen.	No.	Morgen.	No.	No.	Pr. Morgen.			Morgen.	No.	Morgen.	No.
Freistadt	216,335	343,252	5	8,983	862	180,608	140	70	153,299	122	5,231	102,971	1,302	22,284	3,264
Glogau	231,302	366,523	2	5,482	88	177,645	116	90	183,284	158	7,145	104,174	1,423	36,580	4,447
Grünberg	212,253	335,440	3	16,143	1,402	159,955	50	30	159,690	68	5,762	99,309	1,490	26,048	2,900
Goldberg-Haynau	151,027	238,774	2	11,299	534	92,027	118	76	135,508	103	4,522	64,732	575	21,738	4,907
Liegnitz	157,829	249,868	2	4,436	797	100,848	241	95	144,538	132	5,475	82,301	585	27,493	3,696
Lüben	155,108	246,825	1	1,563	109	157,640	78	54	87,702	74	3,155	43,364	438	29,203	2,407
Sprottau	179,599	284,788	2	4,748	330	160,008	266	51	119,938	69	3,471	77,255	844	17,175	2,088
Total	1,303,453	2,065,470	17	52,654	4,122	1,028,731	1,009	466	983,959	726	34,761	574,106	6,657	180,521	23,709

(Table 8.)—DISTRIBUTION of every kind of Cultivated and Uncultivated Lands, also stating Quantities of each in Prussian Morgen, District Liegnitz (Seven Circuits), of Lower Silesia.

Circuit.	Total Area.			Uncultivated.					Premises including adjoining Gardens.	Cultivated Lands.					
	Geographical Square Miles.	English Square Miles.	Prussian Morgen.	Water.	Water- and High-ways.	Waste.	Not capable of Cultivation.	Total.		Garden Land.	Tilled Land.	Meadows.	Pasture Land.	Woods and Plantations.	Total.
Freistadt	15·9	338·02	343,252	5,345	10,837	321	12	16,515	3,968	3,151	162,441	34,251	9,156	113,767	322,766
Glogau	17·0	360·41	366,553	1,381	13,644	702	6	15,733	4,676	3,083	229,188	41,193	7,909	64,740	346,113
Grünberg	15·6	331·35	335,440	1,998	11,543	750	1	14,292	3,897	8,445	129,792	31,610	13,447	134,156	317,450
Goldberg-Haynau	11·1	235·98	238,774	555	4,853	176	36	5,620	4,240	1,022	172,823	19,299	2,069	33,702	228,915
Liegnitz	11·6	246·71	249,868	1,222	6,977	290	11	8,500	3,442	4,936	190,664	18,980	2,015	21,240	237,925
Lüben	11·4	242·35	246,825	325	5,900	287	15	6,527	2,463	1,825	117,854	28,869	2,711	86,477	237,836
Sprottau	13·2	280·61	284,788	306	5,890	194	..	6,390	2,604	851	115,639	36,420	2,830	120,054	275,794
Total	95·8	2,035·43	2,065,470	11,132	59,644	2,720	81	73,577	25,090	23,313	1,118,401	210,722	40,227	574,136	1,966,799

(Table 9.)—PER-CENTAGE of Acreage of the various kinds of Land in the District of Liegnitz, including seven Circuits, of Lower Silesia.

Name of Circuit ("Kreis").	Area in English.		Land for Tillage.	Gardens.	Meadows.	Pasture.	Woods and Plantations.	Total Cultivated.	Premises.	Total Uncultivated.
	Square Miles.	Acres.								
Freistadt	338·02	216,335	47·3	0·9	10·0	2·7	33·1	94·0	1·2	4·8
Glogau	360·41	231,302	62·5	0·8	11·2	2·2	17·7	94·4	1·3	4·3
Grünberg	331·35	212,253	38·7	2·5	9·4	4·0	40·0	94·6	1·1	4·3
Goldberg-Haynau	235·98	151,027	72·4	0·4	8·1	0·9	14·1	95·9	1·8	2·3
Liegnitz	246·71	157,829	76·3	2·0	7·6	0·8	8·5	95·2	1·4	3·4
Lüben	242·35	155,108	47·8	0·7	11·7	1·1	35·1	96·4	1·0	2·6
Sprottau	280·61	179,599	40·6	0·3	12·8	1·0	42·2	96·9	0 9	2·2
Total	2,035·43	1,303,453	55·1	1·1	10·1	1·8	27·2	95·3	1·3	3·4

(Table 10.)—STATEMENT of Peasant Holdings of different dimensions in seven Circuits of the District of Liegnitz, in Lower Silesia, according to their sizes. Containing the Rural portion of the above districts only.

Name of Circuit (Kreis).	Under 5 morgen.	Above 5 under 30 morgen.	Above 30 under 300 morgen.	Above 300 under 600 morgen.	Above 600 morgen.	Total.
Freistadt	1,484	1,548	1,133	23	67	4,255
Glogau	1,792	2,463	1,342	20	94	5,711
Grünberg	1,761	1,514	1,138	11	45	4,469
Goldberg-Haynau ..	2,911	1,199	664	32	59	4,865
Liegnitz	1,642	1,768	689	54	67	4,223
Lüben	867	1,268	590	11	62	2,798
Sprottau	876	956	669	17	33	2,551
Total ..	11,333	10,716	6,225	168	427	28,869

(Table 11.)—PEASANT Holdings of different dimensions, divided according to their sizes, situated within Municipal Boundaries in the Hilly and Lieguitz Districts of Lower Silecia.

Name of Circuit.	Under 5 morgen.	Above 5 under 30 morgen.	Above 30 under 300 morgen.	Above 300 under 600 morgen.	Above 600 morgen.	Total.
Bolkenhain	101	69	7	1	..	178
Hirschberg	71	62	25	..	4	162
Taner	54	24	34	1	..	113
Landeshut	447	115	43	1	2	608
Loewenberg	494	238	21	2	1	756
Schoenau	64	58	9	1	..	132
Freistadt	437	181	47	3	..	668
Glogau	18	179	..	1	1	199
Grünberg	845	196	73	3	..	1,117
Goldberg-Haynau ..	180	130	18	1	1	330
Liegnitz	163	57	16	1	2	241
Lüben	50	39	1	2	1	93
Sprottau	103	103	20	..	1	227
Total ..	3,029	1,451	314	17	13	4,824

Inclosure 8 in No. 8.

Report by Consul White on the Condition of Peasant Properties in the District of Upper Lusatia.

IN speaking of the Province of Silesia in general, I alluded to some districts incorporated as late as 1814 by cession from Saxony (Separate Treaty of Vienna, May 18, 1815) under the name of Prussian Upper Lusatia.

Although, at the present day the limits of some of the circuits of Lusatia have considerably extended into Lower Silesia, whilst other portions have been detached, and the entire Circuit of Sorau, once belonging to it, has been included in Brandenburg, still this ancient principality may be said to have preserved as a whole sufficient characteristics from its former autonomous existence as to make me deem it deserving of a special notice in this Report.

In the addition to the fact of its having become incorporated with the Prussian Monarchy so much later than Silesia Proper, it contains a population, in some parts, deriving its origin from the Slavonian race, of whom 40,000 still continue to employ the Wendish dialect of that language, and the chief occupation of its inhabitants continues to be agriculture, the different industries not having attained the importance they have in other districts of Silesia.

For the purposes of this inquiry I have included in one district the six following Circuits of Silesia with their present limits, viz.:— Bunzlau, Goerlitz, Hoyerswerda,

Lauban, Rothenburg, Sagan, with an area of about 2,142 English square miles (100·75 geographical square miles), or nearly, in round figures, 1,371,000 English acres.

Population.—The total population of the above six circuits was, exclusive of the military, 338,758 in December 1864, and 344,538 according to the last census taken on December 3, 1867.

Of the last figure, 83,795 were returned as constituting the urban and 260,743 the rural population of the District of Lusatia (Lausitz).

The latter total shows a diminution of 683 persons at the last census (1867) whilst the increase had been at the rate of 0·52 and 0·16 to each 100 inhabitants during the triennial periods (1861-4 and 1858-61) immediately preceeding.

The rate of increase had been 0·95 and 0·99 during the same period in the rural population of the Province of Silesia.

During the twenty-seven years which elapsed from 1831 to 1858 the rural population increased as follows; within the present district 1,000 to 1,233, throughout Silesia from 1,000 to 1,313.

As regards the density of population, the greatest is in the circuit of Lauban, 225 inhabitants to an English square mile, the least in that of Hoyersweld 94.5 inhabitants inhabitants to a mile, whilst the average (including towns) is 173 to a mile.

The following number of acres exist for each individual:—3·7 acres within the present district, 3·6 in Prussia; and 2·9 in the Province of Silesia, showing that this district may be considered as an average specimen of the state of things existing in Prussia as regards population.

If the towns are deducted there are five acres (or thereabouts) to an individual.

So far, therefore, as this district is concerned, and the same may be said of the whole of Silesia, the existing land system does not appear to have led to a too rapid increase of population.

Religions.—As regards Religions the census of 1864 gives:—

306,068 inhabitants as belonging to the Protestant Church.
31,352 or 10·5 per cent. of the total population, Roman Catholics.
795 of the Jewish religion.
543 of various denominations.

338,758

Industries.—Some localities have particular industries and occupations, thus among the Wendish population there are many cattle-dealers, a large number of shoemakers are to be found at Hoyerswerda, at Creba there are basket-makers, at Bunzlau a china manufacture, and in other places there are potteries, and glass is made.

At Girlitz the manufacture of cloth is of some importance, whilst many weavers in cotton are to be found near Lauban. The annual fair held at Bunzlau for the sale of flax yarn points to that branch of industry as giving employment to many hands in that neighbourhood.

Iron, and other ores, and coals are found in several places in the district, but the mining population is by no means considerable.

I have not succeeded in obtaining reliable data as to the number of hands employed in industrial pursuits. I have heard it stated that 4 and 5 per cent. are supposed to be thus engaged in the rural population of four circuits, and 11·15 and 18·2 per cent. in the two remaining ones.

Another statistical authority gives the number of individuals under this head at 72,668, or about 28 per cent. of the rural population, but this evidently includes not only the families of these persons but also all the different handicrafts working for the agricultural population, as bakers, butchers, carpenters, joiners, masons, tailors, &c., and who do not, properly speaking, belong to the great industries of the country. It is probable that the actual number of those following industrial pursuits for mines or manufactures is 25 per cent. of that figure, or at most 20,000 persons.

The urban population of the district, amounting, in 1867, as stated previously, to 83,795, is distributed as follows:—Gecrlitz had nearly 36,700 inhabitants; Sagan, above 10,000; two other towns, above 8,000 each; four, upwards of 2,000 each; whilst seven places, called towns, had less than 2,000 inhabitants each; and one, only 870.

The town lands belonging to these sixteen places amount to 58,000 English acres, or 4 per cent. of the total acreage of the district, the largest number being attached to the city of Bunzlau, the entire number of freehold properties is returned at 4,110 within municipal boundaries, but the size of only 3,244 is stated, and 521 owners of townlands are said not to live on their property.

The acreage of the freeholds is returnedas follows:—

5	above	600	morgen.		
5	below	600	but above	300	morgen.
265	„	300	„	30	„
1,095	„	30	„	5	„
1,874	with holdings of less than five Prussian morgen.				
3,244					

The number of inhabited houses in these sixteen towns was 6,594; and of these, 2,563 were owned as freeholds by people, probably artisans and working men, who had no land as property attached to them.

The system of land occupation in this part of Prussia may be called a mixed one. There are some very large landowners. There is a highly prosperous and valuable class of yeomanry or peasant proprietors; and a much more numerous class of more or less small proprietors, who, though freeholders, are obliged, the greater part of them, to eke out their means of support by working for hire on some neighbouring farm, or in some branch of industrial pursuit.

Before proceeding to make any observations on these various systems of land occupation, it is desirable to place a general view of the existing statistical information on the subject in the following four tables:—

(Table 1.)—OCCUPATIONS of the Rural Population in the District of Lusatia, stating the Numbers in each, also those among them owning Lands or Cottages.

Circuit (Kreis).	Rural Population Census of 1867.	Engaged in Agriculture.													Peasant Proprietors.		
		Total number Persons.	Exclusively.			As Auxiliary Occupation.			Stewards, Agents, &c.	Female Housekeepers.	Farm Servants.		Labourers.		Residing on their Holdings.	Living away from their Land.	Owning Houses only.
			Owners of Land.	Tenants.	Families of Foregoing.	Owners of Land.	Tenants.	Families of Foregoing.			Males.	Females.	Males.	Females.			
															No.	No.	No.
Bunzlau	48,459	27,147	2,664	29	9,679	1,958	66	6,305	76	36	2,020	2,250	1,008	1,086	4,977	880	1,455
Goerlitz	45,051	30,488	3,130	41	12,011	1,742	21	5,483	58	42	2,211	2,749	1,352	1,648	5,405	978	1,499
Hoyerswerda	25,119	24,322	3,134	100	13,280	1,322	71	3,263	38	19	1,023	1,176	434	462	4,014	991	386
Lauban	51,644	30,275	2,653	39	9,973	2,544	91	8,432	81	38	1,638	1,732	1,569	1,485	7,740	983	1,978
Rothenburg	47,609	36,294	3,614	46	16,103	1,690	216	7,478	138	53	1,345	1,718	1,764	2,129	6,288	826	1,049
Sagan	42,781	30,010	2,809	62	12,104	1,765	44	6,878	88	38	1,963	2,061	924	1,274	5,003	786	543
Total	260,743	178,536	17,974	317	73,150	11,021	509	37,839	479	226	10,200	11,686	7,051	8,084	33,427	5,444	6,910

(Table 2.)—DISTRIBUTION of Lands in the District of Lusatia among Towns, Large Landowners, and Peasant Proprietors, giving the Numbers of each, and dividing the latter in Two Classes, as they employ Horses or Cattle for Tillage, or are unable to do so.

Circuit (Kries).	Total Area.		Townships.			Estates and Manors.			Peasant Properties.			Holdings as Classed.			
	English Acres.	Prussian Morgen.	Number of Towns.	Townlands.	Owners of Freeholds.	Area.	Number of Landowners	Knights' Estates.	Area.	Village Communes.	Peasant Owners.	I.—Possessing Cattle for Tillage.		II.—Not possessing Horses or Oxen.	
				Morgen.		Morgen.		No.	Morgen.	No.	No.	Morgen.	No.	Morgen.	No.
Bunzlau	256,600	406,924	2	45,457	435	163,760	55	44	197,845	87	5,857	84,038	1,025	26,201	4,887
Goerlitz	216,300	343,061	2	8,283	475	172,405	140	49	162,535	105	6,383	80,293	994	33,237	4,934
Hoyerswerda	215,000	339,761	3	11,755	1,703	142,138	120	33	185,808	91	5,005	115,584	1,811	14,449	1,853
Lauban	128,000	202,801	4	7,228	634	74,953	110	63	121,029	86	8,723	43,699	576	34,015	9,029
Rothenburg	281,000	444,329	2	2,675	244	281,301	142	76	160,384	137	7,114	74,418	1,269	43,077	4,929
Sagan	274,100	434,268	3	16,670	619	192,298	108	59	225,511	138	5,789	120,930	1,023	42,439	4,059
Total	1,371,000	2,171,144	16	92,068	4,110	1,026,855	675	324	1,053,112	644	38,871	518,962	6,698	193,448	29,691

(Table 3.)—DISTRIBUTION of every kind of Cultivated and Uncultivated Lands in the District of Lusatia, stating quantities of each in Prussian Morgen.

Circuit.	Total Area.			Uncultivated.					Premises including adjoining Gardens.	Cultivated Lands.					
	Geographical Square Miles.	English Square Miles.	Morgen.	Water.	High- and Water-ways.	Waste.	Not capable of Cultivation.	Total.		Garden Land.	Tilled Land.	Meadows.	Pasture Land.	Woods and Plantations.	Total.
Bunzlau	18·9	401	406,924	608	8,748	398	252	10,006	4,735	627	159,452	25,850	8,903	197,351	392,183
Goerlitz	15·9	338	343,061	2,485	6,784	151	88	9,508	4,340	1,894	140,553	41,139	2,864	142,765	329,215
Hoyerswerda	15·8	336	339,761	11,800	9,814	361	209	22,184	2,704	290	86,773	34,766	9,169	183,875	314,873
Lauban	9·4	200	202,801	653	4,063	319	..	5,035	3,951	747	119,050	31,999	1,487	40,531	193,814
Rothenburg	20·6	439	444,329	10,573	11 576	39	56	22,244	3,576	507	129,211	36,261	9,078	243,452	418,509
Sagan	20·1	428	434,268	1,130	10,547	377	33	12,087	3,836	3,000	148,330	30,223	11,266	225,525	418,344
Total	100·7	2,42	2,171,144	27,247	51,532	1,645	638	81,064	23,142	7,065	783,369	200,238	42,767	1,033,499	2,066,938

(Table 4.)—PER-CENTAGE of Acreage of the various kinds of Land, District of Lusatia.

Circuit (Kreis).	Area in English.		Tilled Land.	Garden Land.	Meadows.	Pasture.	Woods and Plantations.	Total Cultivated Lands.	Premises, &c.	Total of Uncultivated Lands.
	Square Miles.	Acres.								
Bunzlau	401	256,600	39·2	0·2	6·0	2·2	48·5	96·5	1·2	2·3
Goerlitz	338	216,300	41·0	0·6	12·0	0·8	41·6	96·0	1·3	2·7
Hoyerswerda	336	215,000	25·5	0·1	10·2	2·7	54·1	92·6	0·8	6·6
Lauban	200	128,000	58·7	0·4	15·8	0·7	20·0	95·6	1·9	2·5
Rothenburg	439	281,000	29·1	0·1	8·2	2·0	54·8	94·2	0·8	5·0
Sagan	428	274,100	34·1	0·7	6·9	2·6	51·9	96·2	0·9	2·9
Total	2,042	1,371,000	37·94	0·35	9·92	1·83	95·20	95·20	1·15	3·65

In Table I it has been my object to show the distribution of the rural population of this district devoted to agriculture, distinguishing those exclusively employed in the cultivation of land, and those who have some auxiliary occupation; also, giving the number of owners and tenants under each head, and of male and female farm-servants and labourers.

The number of resident and also non-resident peasant-freeholders in each circuit, and that of freehold cottages ("leerhaüser") without land attached to them, has been inserted in the three last columns.

In the second table, next to the gross total area, given in English acres and in Prussian morgen, the numbers of the three important classes of landed proprietors are given separately, with the quantities of land (in morgen) held by each class, viz., in towns; in communes consisting of manors and large estates; in communes consisting of peasant proprietors. Also, this time the total number of peasant holdings is given according to the statistics of the Hypothec Books, or Register of Titles, and without any regard to residence of occupiers.

In the year 1859, the Prussian Government was induced, at the desire of the Upper Chamber of the country, to set up an enquiry on the subject of the subdivision of peasant properties, and with a view to ascertain whether these holdings were not becoming excessively small.

The figures resulting from this enquiry, and giving the number of holdings existing in 1859 in two classes, and the quantities of morgen of land held by each class, are included in Table II.

The possession of ploughhorses or yoked, or the inability of employing either of these on a farm, was the sole criterion established for including a holding in one or the other class of these official returns.

In the third and fourth table I have endeavoured to state the quantities of each kind of cultivated and uncultivated land in morgen, and to give a general view of the per-centage of acreage of each kind throughout the district.

The entire rural population referred to in the above tables are living in 626 villages ("Doerfer");* in 197 hamlets ("Kohneien weiler"); in 197 isolated properties; in fifty-three detached farms ("Vorwerke") belonging to large estates. These constitute, for police purposes and for taxation, 449 communes ("Gemeinde"), composed of estates and manners, and 644 consisting of peasant properties and cottages. These communes are somewhat similar to our parishes, and differ very much in size, owing to which the distance of the various holdings from the habitations of the owners, who reside principally in the villages, varies considerably, and is frequently great.

The two largest communes contain 4,926 and 5,769 morgen, whilst the two smallest consist of only fifty-two and twenty-two respectively, in this district.

Estates.—An area of 647,500 English acres, or 47·2 per cent. of the total district, is in the hands of large landowners, many of them holding several estates, but the quantity of arable land in their possession is by no means so considerable, as the extensive forests are chiefly included in their property.

The number of these estates, varying much in dimensions, and known under different denominations is, returned at 675.

I have purposely employed the word denominations, as these estates were obtained and held during many generations under different titles, and though most of the distinctions have ceased, the designations derived from them have been preserved.

A description of these estates and of their legal nature, is, properly speaking, beyond the scope of the present Report, but I cannot consider a few remarks as quite out of place, so far as they are likely to throw some light on the distribution of landed property and nature of ownership.

The first series of estates in importance constitute the Principality of Sagan. A portion of this vast property is situated within the limits of Lusatia (circuit of Sagan), but the whole consists of upwards of 50,000 acres, and is at present the property of the Duke of Sagan.

The next denomination of large property are mediatised baronies, called in German "Standesherrschaft," and recurring frequently in Silesia. Of these there existed at one time three within this Principality, enjoying certain seigneurial rights; but one of these, Seidenberg, has its lands in Saxony, and only the chief residence has become Prussian; another, Hoyerswerda, has become the property of the Prussian Crown, and its arable lands have been disposed of in favour of hereditary tenants ("Erbpächter"), so that it consists only of 32,000 morgen (22,190 acres) forest.

The only barony of this kind remaining is Muskau, once the property of a person

* In eighteen of the villages markets are held.

well known in England, Prince Puckler-Muskau, and now of Prince Frederick of the Netherlands. It consists of the town of Muskau and of 39 villages, containing about 82,000 acres.

Some small estates, as Wehrau, Penzig, &c., were once held under similar titles, but are now included with other seigneurial properties, styled "Rittergüter," or literally Knight's Estates.

Of these there were returned in 1867, 324 estates, but the number appears to vary, and I have been told that a diminution of the property deprives the estate of that designation, below a certain point.

These estates in the district vary from 500 to 5,000 morgen; the estate of Uhyst (circuit Hoyerswerda) is returned as consisting of 8,627 morgen, whilst Kolbitz, with 394 morgen, still retains that appellation.

As regards the privileges of these Knight's Estates they have been gradually curtailed, and appear at present to be limited to the owner, exercising the functions of a sort of justice of the peace, *ex officio*, and being entitled to a certain vote at the Local Provincial Assemblies; but even these are likely to cease as soon as the projected reform of circuit institutions has become law.

Of these estates (Rittergüter) there remain six in the district entailed in certain families; of these four are Majorats, and two are Seniorats; a seventh, Radmeritz, is a foundation for a widow and twelve unmarried ladies of a particular family.

It appears that there was much more latitude left in the transmission of estates in feodal times in Lusatia than was the case under the Saxon and other German laws. These fiefs were called in the provincial laws, "Feuda Anomala et Impropria," and could be held by non-nobles.

Another kind of estates existing in this province are called "Vasallen und Landsassengüter," which appear to have been held at one time not directly from the sovereign of the land but by a sort of feodal tenure from barons or cities. They have all become freehold property by the abolition of feodal distinctions. There are 31 estates derived from such an origin, situated mostly in the circuit of Goerlitz; one of them is entailed.

As to size, three are returned at upwards of 1,000 morgen, seven as consisting of above 500, and the remainder as between 200 and 500 morgen.

All the estates situated within the Principality were taxed at a reduced rate for the land-tax, and were allowed the privilege of a repartition of that tax by the provincial states until the 31st December, 1864, when they were brought under the provisions of the Law of May 21st, 1861, applicable to the entire Prussian Monarchy.

Attached to many estates there are outlying farms called in German "Vorwerke." These are frequently let to tenants for a certain number of years. Estates are also sometimes let, but this system prevails to a limited extent, and will form the subject of a separate paper attached to this Report.

Peasant Property.—A percentage of 48·7 of the total average of the district, and a very considerable portion of its arable lands, is held as freehold property by a numerous class of persons, who may be designated as peasant proprietors; their number we have seen above is stated once at 38,871 (Table I), another time at 38,549 (Table II). The following table will assist in showing the relative size of their holdings.

(Table 5.)—ACREAGE of Peasant Properties in the Rural portion of the District of Lusatia.*

Circuit (Kreis).	Less than 5 morgen.	Above 5 under 30 morgen.	Above 30 under 300 morgen.	Above 300 under 600 morgen.	Above 600 morgen.	Total.
Bunzlau	3.251	1,666	789	39	37	5,782
Goerlitz	2,510	2,233	990	39	39	5,811
Hoyerswerda. ..	1,042	1,193	1,384	17	42	3,678
Lauban	5,058	1,787	653	15	47	7,560
Rothenburg.. ..	2,347	2,470	1,173	15	88	6,093
Sagan	1,613	1,850	1,125	47	55	4,690
Total ..	15,821	11,199	6,114	172	308	33,614

Before entering upon the subject of the relative size and proportion of these holdings and commenting upon the figures of the foregoing table, as derived from

* In Prussian Morgen.

official sources, I wish to be allowed to refer to the different kinds of peasant properties existing in this district, and I may say throughout the entire Province of Silesia, which I have visited.

Just in the same way as large estates, these properties also derive various names from the terms upon which they were held when first called into existence.

Some farms on large estates to which I have previously referred as detached properties, "Verwerke," became tenanted by peasants as late as the eighteenth century, became successively hereditary tenures by the name of "Erbpacht," and finally freeholds. Many farms attached to corporate towns passed into the hands of burghers in the same way; and these, with the peasant properties situated in villages, and denominated "Scholtiseien," constitute the largest and best cultivated possessions of that kind in Silesia; in fact they can as a rule stand a comparison, with respect to intelligent farming and good cultivation, with large estates in the neighbourhood, whilst their owners are supposed frequently to be in possession of capital, which is not often the case with the lord of the manor when his estate happens to be not much larger than these holdings.

The "Scholtiseien" were originally lands with which particular peasants were endowed with the obligation of performing certain police and semi-judicial functions in he village, in a more primitive state of society. The office held by these people was called "Schulze, Scholter," and the bearer of it was relieved from all feudal burdens, and had his holding enlarged. It is not to be wondered at that the result gives this kind of properties a visible superiority over those of other peasants.

Under the designation of peasant properties, "Bouerugüter," are understood those very ancient holdings in Silesia the introduction of which is traced by antiquaries to the twelfth century. Whatever may have been the original condition of their owners or occupiers they became "Glebæ adscripti," and constrained to perform soccage and villenage services in course of time, until they acquired a fee simple in them under the modern legislation of the Prussian Monarchy.

From "Hufe" or "Hube," a hide of land of 60 Magdeburg morgen, the names of "Hüfner," "Halbhüfner" were derived, as the primitive holdings became subdivided; whilst smaller allotments gave the occupants the names of sixroodmen, nineroodmen, in German, from the measure employed in surveying.

If 60 morgen was the maximum of such holdings, they must have gradually increased since, for by far the larger number of those now going by that name consist of above 100 morgen (63 acres), whilst they frequently have from 200 to 300 morgen, and secure to their happy possessors a position of prosperity and independence in their villages, probably not inferior to that occupied in former ages by the owners of these villages themselves.

As residing in a province (West Prussia) where a large tract of land, in the Valley of the Vistula, has been, from time immemorial, in the hands of wealthy peasant proprietors, I was aware of the position which may be attained, under favourable circumstances, by this kind of freeholders, but I own I was not quite prepared to meet in Silesia, where the peasants have been relieved from feudal services at a comparatively recent period, with a similar class, doing so well in every respect, and who have by this time attained the position of substantial yeomen, and can be said to constitute a valuable element in the social arrangement of the Prussian Dominions.

This class has preserved the economical habits for which the peasantry are generally known, and their standard of living is therefore still very simple; the fare I saw on their table was, however, substantial and abundant, and their whole arrangements such as to confirm what I heard on trustworthy authority in these localities, that most of them had arrived at that stage at which they were accumulating capital, and becoming quite able to afford out of their savings marriage portions for their sons and daughters.

As regards the cultivation of the farms owned by this class of freeholders, it has been constantly improving during the last twenty years, and the example set by the larger proprietors, and so successfully carried out on many estates, is beginning to be followed by those peasant owners. The farmbuildings are constructed with every regard being had to the proper housing of stock, a demand for better bred cattle is becoming more and more felt, and their habitations are provided with every accommodation suited to the habits of this class of people.

Whilst the farm-servants on estates are either married people receiving an allowance in money, corn and potatoes, or cottage proprietors receiving remuneration for a portion of their time at a fixed rate of wages, the peasant proprietors prefer to have unmarried people in their employment, who are admitted to the same fare as the family, and live as regular inmates in their houses.

The diet of these people varies in different localities; the consumption of meat is confined in some places to two or four days a-week, whilst in others it constitutes the main portion of every meal; milk, butter, potatoes and other vegetables, and an unlimited supply of rye bread, are the staple articles of food with this class of masters and servants.

On inspecting the premises occupied by their farmbuildings, and inquiring about the dates of the various additions, as also of the more recent constructions, the owner will point out what has been done by himself, and will of course establish a comparison with their condition at the time of the previous occupants, possibly his own father or grandfather; and it becomes easy to come to the conclusion that all these arrangements must have undergone gradual improvements as the capital of the proprietor was increasing.

I have in my general remarks on Silesia made some observations on the subject of the unwillingness of the peasants to raise loans on their property. The Credit Company issuing debentures within this principality is called "Landwirthschaftliche Credit Verein der Oberlausitz." This association extended its rules in 1849, so as to enable it to grant loans on peasant properties, but from 1849 to 1860 only nineteen peasants availed themselves of it, borrowing 26,230 thalers (about 4,000*l.*) at 4⅔ per cent. The loans granted on estates by the same association amounted, till 1860, to 1,421,900 thalers.

The employment of artificial manures for agricultural purposes is a good criterion of improved cultivation of the soil. A Return which I have seen, dated as far back as 1857, is reproduced by me merely as an indication that the peasant freeholders were following, ten years ago, in the steps of their landlord neighbours in this respect, and that there is every reason to believe, and I have seen various testimonies in support of such a conclusion, that they have continued since to do so, even on a larger scale.

Artificial manures used in 1857 in the district of Upper Lusatia:—

	Bones.	Guano.	Lime.
	Tons.	Tons.	Bushels.
On estates	460	460	68,826
On peasant properties	125	143	100,506
Total	585	603	169,332

A considerable quantity of land has been improved by draining on estates, but I understand that the peasant properties have participated but to a small extent hitherto in this salutary melioration; the same may be almost said of irrigation.

By the expensive works carried out for changing the course of the river Elster, a tract of land will be benefited and will have to participate in the cost. Peasant lands, amounting to about 3,300 acres, are calculated as belonging to the district of Lusatia, and as included in those deriving advantage from this undertaking.

As regards agricultural machinery, the smaller implements for field work, and also winnowing machines and chaff-cutting ones, have found a general application among peasants; but threshing machines are still confined to estates. It is probable that the substitution of steam to other power in them, which is being adapted generally on estates in Silesia, and combined with a system of hiring these for short periods, will prove more eligible to the peasant proprietors than the fixed threshing machines hitherto in use in that province with horse power.

With respect to crops raised, wheat, rye, oats, barley, buckwheat, among cereals, potatoes and the beet among roots, cloves among grasses, and flax and rape among oilseeds, are principally grown. But I was assured that no uniform rule could be laid down on the subject of the rotations adopted on peasant properties, as their owners were passing alternately from one system to another, or, rather, following no particular plan.

The primitive triennial German rotation of a bare fallow, followed by a crop of wheat or rye, and then by barley or oats, with its repetition of the same kind of crop at too short intervals, still lays at the foundation of those in general use among peasants, though the introduction of potatoes and flax first, later of beetroot and rape, and lastly the necessity for clover for cattle, have brought on considerable modifications in this originally defective system.

Next to those holdings which now bear the appellation of peasant properties, comes

a very numerous class known in Silesia by the name of "Gaertner nahnowgen," garden holdings, and which originally consisted but of very few acres. In fact, they owe their origin to a desire on the part of the landlords in former times to secure a class of tenants more dependent on them, and with more time at their disposal, than were the original peasants who were gradually emancipating themselves; and on that account these later holdings consisted only of a quantity of land barely sufficient to enable the so-called gardener and his family to subsist; whilst his cow was allowed to graze on the lord's lands or in his forest.

These allotments must, in course of time, have had some facilities for extending, for though the appellation has come down to our days, and has survived the services to which they owe their origin, many of them come up nearly to the size of peasant properties. I had occasion to see several, containing 100 morgen (63 acres), and all these may be classed with those described above by me, and the remarks made with respect to them are equally applicable to this class of holdings.

The same may be said of those among the so-called gardeners who, as millers, tavern-keepers, village blacksmiths, bakers, are to be found in every village, and who, by these auxiliary occupations, are enabled to hold a position superior to that which could be attained merely by the cultivation of a property of 30 or 40 acres.

The inquiries I have made in all directions do not enable me, I am sorry to say, either to fix a limit of the number of acres necessary to enable a freeholder in Silesia to carry on vigorous husbandry and to live in comfort with his family, irrespective of any auxiliary employment, nor to state, with complete precision and accuracy, the real number of actual proprietors enjoying these conditions.

It is very much to be regretted, not only for the purposes of this inquiry, but also for the elucidation of the working of the land system in operation in Prussia, that there exists no statistical data to give a precise answer to such a query. I shall endeavour, at least, by a comparison of published results, to arrive at figures nearly approaching the probable state of things.

The total of all kinds of peasant properties in the district, inclusive of 4,110 *settled* on townlands, was given in Tables I and II (col.), at 38,871 and 38,549, *leaving* for the rural portion alone 34,761 or 34,439; whilst Table V gives the different sizes of 33,614 rural holdings. These slight discrepancies may be explained by the Returns having been collected at different periods and on quite different systems.

The number of owners engaged in agriculture in the district is stated at 28,996 (Table I, columns 3 and 6); but 5,444 peasant freeholders alone are supposed to reside away from their holdings (Table I, 16). From all these figures it may be assumed that there are about 34,000 peasant proprietors of all kinds in the district.

As regards those among them supposed to give the owners the position of substantial yeomen, whether in town or country, the official figure (Table II, 12) gives 5,444 as employing either horses or yoked cattle for tillage; and it is probable that this criterion may be taken as the safest guide failing any other, though I have not unfrequently had occasion to observe in Silesia yoked cows; and I was told that their owners were on that account included among the better class of peasant proprietors, though certainly there must be a considerable difference between their position and that of the class of which I have attempted to give a description above.

In Table V (column 5) 6,114 peasant properties are described as holding above 30 morgen (19 acres); this must, of course, include a considerable variety of positions. The average size of these holdings is 110 morgen near Goerlitz, and 78 morgen in the circuit of Hoyerswerda. I should be disposed to think that below 40 morgen ($25\frac{1}{3}$ acres) they can hardly, under ordinary circumstances, be put in the same class as the large ones of 100 morgen, and I was assured everywhere, that there has been for some time a tendency, on the part of the peasants of Silesia, to increase their properties by purchase, whilst the number of properties of the better class is said to be gradually undergoing diminution, a fact alluded to with regret by all those who have paid any attention to the subject, and respecting which some data will be given below.

Upwards of 28,000 rural holdings, whether called gardeners' or otherwise, may therefore be supposed to exist under conditions which do not enable the owners to keep cattle or horses for tillage; and to this class belong—11,199 with an average of 18 morgen, but having more than 5 but under 30 morgen; 15,821 with an average of $2\frac{1}{2}$ morgen but having less than 5 morgen, together with an unknown number of less prosperous owners of holdings returned in column 5 of Table V.

Jacobi, a writer on Lusatia, whose work ("Der Grundbesitz, &c., der Preussischen Oberlausitz, &c.:" Görlitz, 1860) contains many valuable observations, gives 8,051 as the number of allotments under 1 morgen, and 9,239 of those above 1 and under 10

morgen (6·3 acres); but as his calculations were only made for two-thirds of the area included in these Tables, his figures would have, therefore, to be increased to 10,000 and 12,000 allotments, with a view to obtain a number corresponding for the entire district reported on, thus leaving about 6,000 as the number of holdings above 10 morgen, and not coming up to the position of what is termed in German as "Spannfachige Nahrungen," or holdings generally sufficient to enable the owners to be independent. On this intermediate class I cannot venture to make any remarks, as it includes people whose position depends on a variety of contingent circumstances which easily escape observation during a flying visit. I understand, however, that many of these, as well as those who have smaller allotments, seek employment at some distance from their homes as masons in Berlin or Breslau, or even as navvies on railways, leaving their families to cultivate their properties in the mean time.

Jacobi remarks that in general, those who are employed part of their time on industries are worse off than those exclusively devoted to farming, but he also warns visitors not to form too hasty conclusions, from their habits and dress, of the people they see in this district; and he quotes a small freeholder, whose appearanee was that of an ordinary labouring man, and who had 20,000 thalers (3,000*l.*) capital, besides his land and stock. I was informed that many of those who deal in cattle, chiefly people of the Wendish race, are worth several thousand thalers.

In visiting the owners of small properties, I found a very different standard of living from that of prosperous peasants, and frequently inferior to that of most labourers in England. They seldom eat meat except on Sundays, and, during harvest, buttermilk, potatoes, and rye-bread, with other farinaceous substances, constitute their daily food; but this mode of living is not to be always ascribed to want of means.

Besides the very numerous class of small land proprietors in the district, here spoken of, there are 6,910 owners of cottages (Table I, 17,) who have no land whatever attached to them, and all these are more or less dependent on wages, almost as much so as if they had no allotments or huts of their own, or even more so, because they are to a certain extent more dependent on the offers of neighbouring farmers for agricultural wages, and obliged to be content to accept those offered within a certain "radius" of their habitations, unless they prefer to leave their homes for some months seeking for work at a distance.

It must not be supposed, however, that all these small holdings in the district are the result of subdivision; some of them, as will appear presently, are due to this cause, but this state of things is ascribed, originally, to the conversion of feudal tenants into freeholders at a time when many of them were in possession of a small number of acres.

From statistical data collected in 1859, it appears that 69,713 morgen had been detached from larger peasant properties between 1816 and 1850; or 12·41 per cent. of the total area occupied by these; viz., 66,883 morgen (42,200 acres) had become the property of small owners, whilst 2,830 morgen had been incorporated in estates.

As regards other changes connected with this subject; it appears that during the same period 707 larger, or first class peasant properties, with 56,866 morgen, and, therefore, having on an average 80 morgen, have ceased to exist as such, through sub-division; 26 with 1,700 morgen have been bought up by other peasants, and 95 have been purchased by owners of estates. By this we see that the smaller holdings are increasing to the detriment of the larger ones at the rate of 1,723 morgen a-year; but, on the other hand, 343 new peasant first-class holdings have come into existence during that time, with 19,146 morgen, or with an average of 55·8 morgen to each.

From further inquiries I find that the circuit of Bunzlau has participated in the above changes from 1816 to 1859 by the loss of 111 holdings on one hand, of an average of 88 morgen; and by an increase of 43 new such holdings of an average of 61 morgen on the other hand.

This circuit is described in the Tables given above, as having 1,025 first-class holdings in 1859, and 865 peasant properties of above 30 morgens in 1861. Local statistics of a more minute character, which I have examined, give the number of ancient peasant holdings (Bauernhoefe) at 700 for this circuit; they also give the following changes for all kinds of holdings:—

As regards sales, 276 were registered during 10 years in 6 of the largest villages of the circuit: these villages contain 148 larger peasant properties, besides many minor ones. The sales in other villages were from 2 to 20 during the same time.

From 1859 to 1861 a diminution in the size of 7 estates—40 first-class and 78 small ones—took place, and two larger ones and five minor ones lost their separate existence.

By this, 1,789 morgen (1,130 acres) changed hands, and were disposed of as follows:—

63	morgen were joined to estates.
409	morgen were joined to nine larger peasant properties.
1,110	morgen were joined to small holdings.
207	have served to constitute thirty-seven new small allotments.
1,789	

In the neighbouring circuit of Goerlitz a diminution of the size of 23 larger properties and in 96 small ones is reported for the same triennial period, whilst three larger properties and two allotments have been merged in these changes; and the result has been an addition of 72 morgen to estates, 221 morgen to 21 peasant properties, 807 morgen to various minor allotments; with 106 morgen 36 new small holdings have been formed; and with 102 morgen two peasants have constituted new peasant properties of the first-class; total, 1,308.

I think those examples will serve to show the way in which such changes affect the property in land.

In every portion of Silesia the labours of the Commissioners appointed by the Government for the adjustment of compensation, for the cessation of rights of fuel and common, are progressing with their work, and producing the most beneficial results. If by the removal of feudal burdens the first foundations were laid of agricultural progress, and a vigorous husbandry rendered possible, the relief of rights of common has stimulated farmers to rely on their holdings for supporting stock, to substitute stable feeding for grazing, and to look more to quality than to quantity; whilst a number of offences against property, very common formerly, have, I was assured, diminished immensely. Small farmers have told me that this reform, which was looked upon unfavourably by them at first, has proved advantageous in the end, whilst the compensations adjudged to them by the Commission have proved highly acceptable to them, and have not unfrequently contributed to increase the size of their holdings. The work of these Commissions is, however, far from being near termination in many localities; and very little has been done as yet to bring the land of the small *holding* together, by exchanges, when portions of it happen to be intersected by other property.

That these suppressions of rights of common have not caused administration in the live stock of the district is evident, as the number of horses and cattle have increased considerably.

By leaving out the forests from the cultivated lands, we see that one-half of the entire area consists of arable or grass lands, and on this surface there was the following average number of each kind of live stock to an English square mile:—

	In 1831.	In 1864.
Horses	8	14·3
Horned cattle	81	135
Sheep	125	162
Swine	Not stated.	33

Whilst in the circuit of Lauban, the average number of horned cattle was, in 1864, as much as 210 to a square English mile.

With respect to emigration, during three years, 1860-62, only 554 persons left the district; of these 129 went either to America or to other countries out of Europe, 14 to Poland, and the remainder to German countries and Bohemia, but principally to Saxony. Of these, a few were young men who left the country, absconding before military service, and who went, of course, out of Europe; but the majority were people who sold out small holdings with a view to better their condition elsewhere.

During the same period 299 foreigners came to settle in the district, and became naturalized for that purpose. Thus the loss of population seems to have been only 82 per annum.

A comparison of the per-centage of persons engaged in various occupations in the district, even though the figures can only be given approximatively, will enable me to conclude this portion of my Report with a summary view of the relative proportions borne by the various owners of land to the other classes of the rural population:—

Rural Population.	Total of Owners of Land.	Owners of Small Holdings.	Peasant Proprietors (First Class.)	Peasant Owners of large Properties.	Owners of Estates.
		107·4	19	2	2·6
1,000	131	Farm Servants and Labourers (Male.)	Families of all engaged in Farming including Female Servants.	Industries, Trades, and Artizans, including Families.	All Professions and other Occupations in the Country.
		68	488	274·6	38·4

British Consulate, Dantzig, December 7, 1869.

No. 9.

Lord A. Loftus to the Earl of Clarendon.—(Received January 17.)

My Lord, *Berlin, January 14, 1870.*

I HAVE the honour to inclose to your Lordship herewith a copy of a despatch which I have received from Her Majesty's Consul at Dantzig, transmitting a Report on the question of Land Tenure in the Province of Prussia.

I have no doubt that the industry and zeal evinced by Mr. Consul White in carrying out the instructions I conveyed to him will meet with your Lordship's approval.

I have, &c.
(Signed) AUGUSTUS LOFTUS.

Inclosure in No. 9.

Report by Consul White on Peasant Properties and Land Occupation in West Prussia.

THE Province of Russia Proper, which has given its name to the entire Monarchy, is generally divided into two districts, according to the geographical situation of each portion, and these are called in conformity with it East and West Prussia.

West Prussia consists of two sub-divisions—Dantzig and Marienwerder—with an area of 9,947 English square miles, extending from the Baltic to the frontiers of the present Kingdom of Poland, and was successively incorporated with the Prussian dominions, after having been subjected, during several centuries, to Poland by the different partitions effected in the territories of that country since 1772.

West Prussia contained at the last census (in December, 1867) 1,268,470 civilian inhabitants, of whom 966,901 belonged to the rural, and 301,569 to the urban population.

Towns.—The urban population is to be found in ten larger towns and in forty-four small ones. These last partake more of a rural character, as, notwithstanding their designation, they contain many landowners and agricultural labourers.

To the former class belong—

	With a Population exclusive of Soldiers.
Dantzig	82,192
Elbing	27,673
Thorn	13,447
Graudentz	12,662
Marienburg	8,200
Culm	7,910
Marienwerder	7,465
Dirschau	6,900
Two towns of above 6,000 inhabitants	12,593

Of the other class there are—

Eight towns with from 4,000 to 6,000 inhabitants, with a total of	36,020
Ten towns of 3,000 inhabitants and more, but less than 4,000, total	32,839
Fifteen towns of 2,000 inhabitants, but less than 3,000, total	37,405
Eleven towns of less than 2,000, total	16,963

The area situated within municipal boundaries consists of 267,000 acres. Of these 85,000 are the property of the several corporations, and the remainder is owned by

private individuals residing in or near these towns. The number of persons owning land in these is returned at 9,830 (*vide* Table VI below), whilst the number of freehold houses without land in these was 9,943 in 1866.

The average size of properties of this kind differs in both sub-divisions: in Marienwerder it is 25·7 acres; in that of Dantzig it is 17 acres.

Population.—The census of population is taken in this country every three years. In the month of December the increase in the Dantzig portion of West Russia was at the rate of 1·78, and at that of 1·66 per cent. per annum in the Marienwerder portion, between 1858 and 1864, and has fallen below one per cent. annually since.

The following short Table will assist in showing the rate of increase in the urban and rural population which has taken place in each of the sub-divisions of this district, and also throughout the entire Prussian Kingdom, within its former limits, during the last fifty years.

INCREASE of Population in West Prussia.

Relative Number of Inhabitants in the Year.

	1816.	1822.	1831.	1840.	1849.	1858.	1864.	1867.
Urban population—								
Dantzig section	1,000	1,103	1,205	1,248	1,308	1,556	1,729	1,804
Marienwerder section ..	1,000	1,101	1,248	1,371	1,588	1,749	2,089	2,138
Rural population—								
Dantzig section	1,000	1,317	1,468	1,709	1,925	2,107	2,302	2,376
Marienwerder section ..	1,000	1,242	1,407	1,739	1,952	2,142	2,345	2,400
Entire population—								
Dantzig district	1,000	1,238	1,372	1,540	1,700	1,906	2,100	2,176
Marienwerder district ..	1,000	1,210	1,368	1,644	1,864	2,047	2,288	2,342
Average of the increase in the ancient Provinces of Prussia	1,000	1,130	1,263	1,447	1,579	1,702	1,859	1,933

It may be said, therefore, that the rate of increase in the population of *West* Prussia has been larger than in the kingdom, and still this district is rather *thinly* populated. Of a total area of 6,366,000 acres, six per cent. are excluded from cultivation, and 267 acres are under towns. As the rural population amounts to 966,901 persons, there are, therefore, upwards of six English acres to each individual in the country districts.

Fully one-half of the total area consists of arable land (in the fertile circuits as much as 66 per cent.); meadows and pasture constitute one-fifth; and a little more than another fifth of the whole are under forests.

If we take the entire population, both rural and urban, it will be found that its density is 129 inhabitants to an English square mile; the rural portion alone numbers 97·2 to a mile.

The contrast between the nature of the soil in the fertile alluvial lands on the banks of rivers and of the large sandy plains in the north-westerly circuits is very striking, and accounts sufficiently for a considerable difference in the density of population in different circuits, though it appears that the number of inhabitants in the less productive portions of the district increased more rapidly for some time after the abolition of feudal tenures than in the fertile parts.

The present density of population to a mile is, taking the rural inhabitants alone, as follows:—

In the circuit of—		In the circuit of—	
Schlochan	57·9	Culm	119·7
Deutsch Krone	56·2	Grandentz	122·3
Konitz	67·8	Stuhm	142·3
Thorn	106·3	Marienwerder	145·7
Elbing	115·4	Dantzig	160·4

Religions.—The census giving the different religious creeds of the population was published for 1864, when the number of inhabitants was 1,233,372, or 35,098 less than the number actually returned. At that time there were—

Protestants conforming to the Established Church	601,756
Roman Catholics	590,076
Mennonite Baptists	10,974
Belonging to different Christian denominations	3,240
Persons of the Jewish religion	27,326
	1,233,372

In the Marienwerder portion of West Prussia, the two creeds recognized by the State "Landeskirchen" have an equal number of adherents each. At Dantzig, the Protestant majority in the towns turns the scale in favour of the latter.

Emigration.—The subject of emigration is one which affects not only the general question of population, but is likewise an indication of the views of the various classes on the subject of their position and prospects.

It is only within the last twenty-five years that a tendency to seek for a new home across the Atlantic has manifested itself in this part of Germany, and comparatively very few families have availed themselves of it, principally either tradesmen in difficulties or apprentices who wish to avoid compulsory military service in this country, and hope to earn higher wages in other lands. The agricultural class has contributed very few persons as emigrants, with the exception of landowners of the Mennonite persuasion.

From October, 1844, to the end of 1859, 4,024 persons departed from West Prussia with a license to leave the country, or an average of 264 persons a year. During the same period the average of immigration was 122 per annum.

Of the persons that left the country, 3,047 were returned as being then in the possession together of a capital of 577,840 thalers (about 86,500*l.*).

In the Dantzig sub-division only 222 immigrated during the eight years from 1859 to 1867, and 3,291 left the country during that time, viz., 2,104 persons from 1859 to 1864, and 1,187 since that time to the end of 1867, or an average of about 411 individuals a year.

In the other portion of the district only 150 persons emigrated in 1865, and 193 during 1866, according to the official Returns.

The principal direction which those persons took was, of course, North America, whilst a small portion—and this was mostly the case with Mennonites—went to settle in the south of Russia.

Mennonites.—Persons of that persuasion have occupied for generations a prominent position as farmers in this district. Their properties were remarkable for good cultivation, and their habitations were noted for cleanliness and comfort, whilst these people preserved habits of industry and frugality, which they had inherited from their Dutch forefathers, the founder of this sect having been a Dutch divine of the sixteenth century, of the name of Menno.

One of their distinctive characteristics is the religious objection they have in, common with the Society of Friends, to warfare, and to military profession; and it is the indiscriminate application to them of compulsory military service, since 1866, which makes them emigrate on conscientious grounds, and many of them have anticipated this measure and left this country within the last fifteen years. This class of people are generally well off, and have sold out most unwillingly.

It may, therefore, be asserted that the social condition of the people in this province does not stimulate emigration.

Industries.—The industries in this district may be considered important, sixty persons at most are described as miners and 670 as weavers, seven per cent. of the total population are employed in handicrafs and as artizans, whilst 504 are employed in agriculture. About 5,000 persons are engaged as apprentices or workmen in ironworks. But in addition to these a numerous class of people finds employment in fishing, in navigation, in dredging amber, whilst the railways, the timber, and the corn trade of Dantsig, and some other places, and the various occupations incidental to the harbour and fortress of Dantsig may be considered as accounting for the means of subsistence of a large class of people as tradesmen and labourers.

Agriculture, however, is the principal pursuit, and constitutes the most important element of wealth to the largest number of the inhabitants of this district. The particulars of the nature of the occupation of this class will be found in Table 1 (below).

The division of property in the district, and the occupying of land within it, will be best shown in table 2; the particulars of the holdings situate in townships have been referred to previously. With regard to the rural portion of the district it may be stated that there exist within it—

1. 1,394 estates and detached farms. In these are the Crown lands, consisting of 800,000 acres (11·12 forest), 62,300 acres, the property of the Royal Princes, 846 seigneurial or knight's estates (Rittergüter), and many other properties which, not being within villages, are not deemed therefore to be peasant properties, though in former ages they may have been held under some particular obligation of service, and not in fee-simple as they are at present.

Only 110,000 acres are entailed property within the district.

The total number of possessions is returned at 4,746, but as 879 are supposed to belong to owners who have two or three properties, so the actual number of landowners is only 3,867, or there are 5 to every 2 square miles. The average size of a possession being 774 acres in the Marienwerder subdivision, and 510 in that of Dantsig.

2. Those known by the name of peasant properties are situated in 2,377 villages, and in 643 hamlets; there are moreover in the district 915 isolated farms. As this kind of property has been the principal subject of inquiry in drawing up the present Report, further particulars concerning them will be given with greater clearness after producing the Tables which follow.

Tables 3 and 4 contain the different quantities of various kinds of land in Prussian morgen, and also the acreage, giving the per-centage of tilled land, grass and garden land, forests, waste, high and water ways, &c.

(Table 1.)—OCCUPATION of the Rural Population of West Prussia, stating the Numbers engaged in each; and also those among them owning Lands and Cottages.

Circuit.	Rural Population Census of 1867.	Engaged in Agriculture.													Peasant Properties.		
		Total Number of Persons.	Exclusively.			As an Auxiliary Employment.			Stewards, Agents, &c.	Female Housekeepers	Farm Servants.		Labourers.		Residing on their Holdings.	Residing away from their Land.	Cottiers having no Land only Houses.
			Owners.	Tenants.	Families.	Owners.	Tenants.	Families.			Male.	Female.	Male.	Female.			
															Numbers.	Numbers.	
Berent	36,260	25,155	2,130	102	10,486	277	18	1,261	99	45	1,243	997	4,130	4,367	2,367	138	167
Dantzig	74,687	32,002	1,593	220	10,133	1,737	192	5,229	195	157	3,249	2,373	3,825	3,099	3,397	451	770
Elbing	34,357	19,522	1,567	23	6,648	576	71	2,398	49	45	1,638	1,757	3,065	1,685	2,293	652	835
Flatow	48,790	34,088	3,036	70	17,009	987	54	4,764	116	55	2,104	1,272	2,268	2,353	4,445	247	754
Grandentz	39,274	25,268	1,673	72	7,562	1,646	58	5,438	175	67	2,219	1,319	2,539	2,500	2,590	209	63
Carthaus	55,892	36,358	2,927	562	17,027	1,085	111	4,315	106	47	1,575	1,312	3,585	3,706	3,994	200	90
Konitz	59,061	35,753	2,583	83	14,448	1,386	80	6,971	96	79	2,547	1,700	2,810	2,970	4,698	327	718
Deutsch-Krone ..	46,526	27,782	2,488	55	12,742	690	65	3,236	171	79	2,120	1,469	2,284	2,383	3,383	317	345
Culm	40,927	23,390	2,060	66	10,459	428	58	1,903	220	81	2,169	1,523	2,389	2,034	2,619	262	65
Loeban	40,992	25,839	2,217	53	12,068	573	76	2,706	117	53	1,927	1,239	2,396	2,414	2,935	268	534
Marienburg	49,101	25,076	2,050	49	7,555	663	55	2,142	78	103	3,327	3,076	3,528	2,450	2,903	714	830
Marienwerder ..	53,613	29,930	1,899	63	8,385	1,293	93	5,467	228	97	2,850	2,254	3,682	3,627	3,225	507	233
Neustadt	54,204	32,054	2,383	204	12,527	426	6	1,866	153	56	1,740	1,490	5,453	5,750	2,525	231	450
Rosenberg	36,511	19,908	1,225	54	6,422	674	50	2,954	183	60	1,526	965	3,151	2,641	1,917	130	91
Schlochan	47,806	31,246	2,372	85	13,447	973	39	4,728	74	42	2,235	1,323	2,886	3,042	3,110	338	301
Scewetz	62,363	37,979	2,490	61	12,588	2,496	100	10,906	186	65	2,181	1,830	25,68	2,558	5,232	702	238
Stargard	55,095	30,692	1,640	72	9,068	1,185	68	5,214	218	109	2,246	1,590	4,608	4,674	3,094	160	472
Strasburg	49,767	30,507	2,819	88	13,240	745	95	3,132	197	93	2,426	1,337	3,237	3,098	3,839	351	142
Stuhm	35,099	17,597	1,341	51	5,355	638	42	2,953	112	83	1,715	1,411	2,040	1,856	2,430	221	173
Thern	46,576	24,183	1,904	68	8,938	620	55	2,781	241	92	2,729	1,648	2,657	2,450	2,594	312	88
Total	966,901	564,329	42,389	2,101	216,107	19,098	1,316	80,367	3,014	1,508	43,716	31,885	63,101	59,657	63,693	6,744	7,359

(Table 2.)—DISTRIBUTION of Lands in the District of West Prussia among Towns, Large Landowners, and Peasant Proprietors, giving the Numbers of each, and dividing the latter in two Classes, as they employ Cattle or Horses for Tillage, or are unable to employ either.

Name of Circuit.	Total Area.		Townships.			Estates and Manors.			Peasant Villages.			Peasant Properties.			
												Employing Cattle for Tillage.		Unable to Employ Cattle.	
	English Acres.	Prussian Morgen.	Towns.	Area Morgen.	Holdings.	Area Morgen.	Estates.	Knight's Estates.	Area Prussian Morgen.	Village Communes.	Peasant Holdings.	Holdings Morgen.	Properties.	Holdings Morgen.	Properties.
			Number.				Number.	Number.			Number.		Numbers.		Number.
Berent	304,774	482,580	2	16,254	391	166,818	118	36	300,109	129	2,505	181.280	1,424	6,342	628
Dantzig	297,971	420.840	1	5.749	583	148,829	230	45	266,195	131	3,848	214,617	1,463	9,900	2,295
Elbing	190,484	242,752	2	13,844	567	40,468	114	2	188,445	91	3,045	120,669	1,126	12,733	1,733
Flatow	376,886	597,202	5	45,749	1,356	233,392	137	25	317,857	110	4,692	255,047	1,899	23,226	2,438
Grandentz	205,451	324,715	4	20,463	623	158,518	134	45	145,735	105	2,799	128,249	962	7,637	1,627
Carthaus	344,232	546,466	..	..	..	187,298	123	51	359,133	174	4,194	192,573	1,941	19,353	1,475
Deutsch-Krone ..	529,273	838,730	5	92,847	1,796	342,288	92	37	403,302	104	3,700	359,107	1,876	11,277	1,554
Culm	219.057	347,499	2	13.146	360	193,106	212	64	141,152	107	2,888	107,383	1,076	9,382	1,432
Loeban	239,466	380,066	3	12,948	482	130,383	318	25	236,778	121	3,203	210,872	1,504	6,178	1,058
Marienburg	200,008	317,216	2	3,734	162	8,197	83	3	305,316	149	3,617	245,622	1,521	14,813	1,301
Marienwerder ..	235,384	372,663	3	12,759	352	166,033	374	31	193,671	117	3,732	159,281	1,296	8,892	2,452
Neustadt	353,756	560,976	1	7,413	247	331,118	551	88	222,502	100	2,756	168,541	1,517	7,526	1,340
Rosenberg	257,153	406,940	6	34,122	796	278,598	172	50	94,165	62	2,047	72,841	837	5,472	914
Schlochau	527,913	837,379	5	58,208	1,254	394,753	547	44	383,423	108	3,448	298,569	1,447	12,563	1,515
Schwetz	412.262	645,904	2	12,443	448	401,935	411	58	239,083	150	5,934	167,451	1,504	33,876	3,620
Stargard	341,510	542,191	2	13,136	308	319,989	234	49	209,056	108	3,254	184,628	1,367	7,376	1,446
Strasburg	331,986	526.518	4	17,340	643	264,088	207	47	245,156	118	4,190	175,415	1,809	10,025	1,574
Stuhm	157,830	250,766	2	8,806	320	94,774	97	45	147,200	81	2,651	109,865	883	5,092	1,480
Thorn	280,284	443,913	3	14,755	321	252,873	235	39	176,652	92	2,909	110,533	1,130	11,614	1,341
Konitz	560,567	887,498	2	10,584	470	411,707	297	62	456,790	156	5,025	330,930	1,910	20,495	2,361
Total	6,366,247	9,972,814	57	423,300	11,781	4,525,147	4,746	846	5,031,720	2,313	70,437	3,793,473	28,492	243,772	33,584

(Table 3.)—DISTRIBUTION of every kind of Cultivated and Uncultivated Land in the District of West Prussia, stating Quantities of each in Prussian Morgen.

Circuit.	Total Area.			Uncultivated.					Premises including adjoining Gardens.	Cultivated Land.					
	Geographical Square Miles.	English Square Miles.	Prussian Morgen.	Water.	High- and Water-ways.	Waste.	Not capable of Cultivation.	Total.		Garden Land.	Land for Tillage.	Meadows.	Pasture Land.	Woods and Plantations.	Total.
Berent	22·4	476·2	482,580	20,137	8,315	1,137	312	29,901	2,309	433	226,792	22,170	120,367	80,608	450,370
Dantrig	21·9	465·6	420,840	4,074	20,821	153	13,296	38,344	5,169	3,745	279,827	25,797	17,850	50,108	377,327
Elbing	14·0	297·6	242,752	8,006	13,074	415	3	21,498	3,754	2,434	84,801	77,586	15,084	37,595	217,500
Flatow	27·7	588·9	597,202	10,971	12,033	195	103	23,302	4,658	1,256	346,840	46,376	52,559	122,211	569,242
Grandentz	15·1	321·0	324,715	6,777	7,033	122	1,071	15,003	3,198	956	234,091	24,815	13,123	33,529	306,514
Carthans	25·3	537·9	546,466	27,438	8,963	859	79	37.339	3,139	421	274,804	22,963	100,743	107,057	505,988
Deutsche-Krone ..	38·9	827·0	838,730	20,967	17,566	530	117	39,180	4,640	2,147	384,078	27,741	119,486	261,458	794,910
Culm	16·1	342·3	847,499	6,218	11.721	..	2,922	20,861	2,760	1,675	230,735	33,537	23,283	34,648	323,878
Loeban	17·6	374·2	380,066	12,594	7,354	722	268	20,938	1,976	627	251,808	24,197	30,801	49,719	357,152
Marienburg	14·7	312·5	317,216	6,403	18,481	1,606	50	26,540	4,537	2,997	186,228	78.291	12,110	6,513	286,139
Marienwerda. ..	17·3	367·8	372,663	5,916	14,531	86	3,447	23,980	3,543	2,806	224,311	36,581	25,394	56,048	345,140
Neustadt	26·0	552·7	560,976	5,003	10,290	74	14,160	29,527	3,023	995	237,309	37,392	87,900	164,830	528,426
Rosenberg	18·9	701·8	406,940	22,730	6,334	919	96	30,079	2,362	1,484	221,587	40,200	24,048	87,180	379,499
Schlochan	38·8	824·9	837,379	23,473	16,797	1,509	7,033	48,812	3,493	1,529	352,757	32,561	179,993	218,234	785,074
Schwetz	30·3	644·1	645,904	12,196	20,032	45	1,615	33,888	4,141	2,942	299,254	47,870	38,452	219,357	607,875
Stargard	25·1	533·6	542,191	13,093	11,410	165	827	25,495	3,300	881	259,558	32,153	68,531	152,273	513,396
Strasburg	24·4	518·7	526,518	12,385	9,506	..	461	22,352	3,715	4,082	321,406	33,107	37,431	104,425	500,451
Stuhm	11·6	246·6	250,766	3,536	4,885	572	484	9,477	2,257	1,284	171,706	24,639	10,745	30,658	239,032
Thorn	20·6	437·9	443,913	4,305	19,089	43	1,863	25,300	3,737	1,613	269,588	29,750	19,544	94,381	414,876
Konitz	41·2	875·9	887,498	37,107	16,283	..	8,070	61,460	3,842	2,123	337,749	47,045	159,258	276,021	822,196
Total.. ..	46·79	9,947·2	9,972,814	263,329	254,518	9,152	56,277	583,276	69,553	36,430	5,195,229	744,771	1,156,702	2,186,853	9,319,985

(Table 4.)—PER-CENTAGE of Average of various kinds of Land in the District of West Prussia.

Name of Circuit.	Area in English		Land for Tillage.	Gardens.	Meadows.	Pasture.	Woods and Plantations.	Total cultivated.	Premises.	Total uncultivated.
	Square Miles.	Acres.								
Berent	476·2	304,774	47·0	0·1	4·6	24·9	16·7	93·3	0·5	6·2
Dantzig	465·6	297,971	67·0	0·8	6·1	4·3	12·0	90·2	1·0	8·8
Elbing	297·6	190,484	34·9	1·0	31·9	6·2	15·5	89·5	1·6	8·9
Flatow	588·9	376,886	58·1	0·2	7·8	8·8	20·5	95·4	0·8	3·8
Grandentz	321·0	205,451	72·1	0·3	7·7	4·0	10·4	94·5	1·0	4·5
Carthans	537·9	344,232	50·3	0·1	4·2	18·4	19·6	92·6	0·6	6·8
Deutsch-Krone	827·0	529,273	45·8	0·3	3·3	14·2	31·2	94·8	0·5	5·5
Culm	342·3	219,057	66·3	0·5	9·7	6·7	10·0	93·2	0·8	6·0
Loeban	374·2	239,466	66·2	0·2	6·4	8·1	13·1	94·0	0·5	5·5
Marienwerder	367·8	235,384	60·2	0·8	9·8	6·8	15·0	92·6	1·0	6·4
Marienburg	312·5	200,008	58·7	1·0	24·7	3·8	2·1	90·3	1·4	8·3
Neustadt	552·7	353,756	42·3	0·2	6·7	15·7	29·4	94·3	0·5	5·2
Rosenberg	401·8	257,153	54·4	0·4	9·9	5·9	21·4	92·0	0·6	7·4
Schlochau	824·9	527,913	42·1	0·2	3·9	21·5	26·1	93·8	0·4	5·8
Schwetz	644·1	412,262	46·4	0·5	7·4	5·9	34·0	94·2	0·6	5·2
Stargard	533·6	341,510	47·9	0·2	5·9	12·7	28·1	94·8	0·6	4·6
Strasburg	518·7	331,986	61·0	0·3	6·3	7·1	19·8	95·0	0·7	4·3
Stuhm	246·6	157,830	68·5	0·5	9·8	4·3	12·2	95·3	0·9	3·8
Thorn	437·9	280,284	60·7	0·4	6·7	4·4	21·3	93·5	0·8	5·7
Konitz	875·9	560,567	38·1	0·2	5·3	18·0	31·1	92·7	0·4	6·9
Total, and average for District . . .	994.72	6,366,247	51·5	0·4	8·0	12·1	21·3	93·3	0·7	6·0

Origin of Freeholds.—Whilst in other portions of the Prussian dominions all peasant properties are of more modern date, and have only become freeholds since their emancipation from feudal burthens, there exist in this district some properties which were exempted from all servile obligations, and were bestowed on German colonists in fee-simple at the time of the Teutonic knights, under an edict promulgated by the Grand Master at Colm, or Culm, in the year 1281, and known as "Colmisches Recht," or "Handfeste." The number of such properties cannot be large in proportion to the numerous class now existing in the district, especially as they existed only in the few circuits of West Prussia, where the knights reigned supreme. The fact deserves to be noticed nevertheless.

German Settlers, 1772-1795.—On taking possession of this district, King Frederic II found many estates and forests the property of the Polish Crown; on these he created numerous hamlets in which small holdings were granted to German immigrants with a view of strengthening that national element.

On the 1st April, 1772, that King wrote to Domhardt: "I think that the inhabitants of Pomeralia, who are principally Poles, will hardly appreciate the benefits conferred upon them; the best means of improving these Slavonian populations is to settle Germans among them, even though it be only two or three in each village."

In this manner all the peasant properties in West Prussia, and not only these but all those in the rural portion of it which are not owned by country gentlemen, derive their title either from the Teutonic knights, or from King Frederic II, or, lastly, and this is the principal number, from the date of the abolition of feudal burthens.

Pomeralia Sandy Plains.—The district alluded to by the King in his letter was called Pomeralia, and was contiguous to the Province of Pomerania, and consists of a large tract of sandy plain, with pine forests, with a very inadequate proportion of meadows, and with a population which, notwithstanding the encouragement given to the German element, continues Polish and Slavonic. This district may be said to commence with portions of the circuits of Konitz, Krone, Flatow, Schlochan, Berent, Schoeneck, and Karthans.

With few exceptions the soil in this large district appears very light, in some places almost barren; the system of a fallow every third year is generally adhered to by the peasant owners, and some bits of land are so unproductive as to allow only of a crop of rye once in six years. The Polish peasants adhere to their national habits and style of living, and though some improvements, both in husbandry and in their habitations, have been introduced of late years, the general appearance of these circuits is such as to convey the impression that there exist in them great contrasts, and that the prosperity

of the peasant owners must not be measured by the dimensions of their property, whilst some of them in more favoured spots are able to sow even clover and grow different kinds of corn, others owning several hundred acres must be content with only rye and some potatoes. On these properties the number of live stock is limited by the deficiency of food during the long and severe winters, entire villages exist without horses, and the condition of the small holders is frequently wretched, fortunately that the proportion of small holdings is considerably less than in other districts in Prussia. Of all holdings under 300 morgen (190 acres) there is an average per centage of 53 between 30 and 300 morgen, in these six West Prussian circuits, 24 per cent. between 5 and 30 morgen, and only 23 per cent. below that size.

There are, moreover, within these ill-favoured circuits many peasant properties of larger dimensions; the total number of all rural properties of above 300 morgen (190 acres) are reported as 1,651 (of these 727 holding more than 600 morgen); but as 276 are estates belonging to landlords or country gentlemen, there would appear 1,375 peasant properties of these dimensions. Indeed, some are said to approach 1,000 acres, and the average is given at ninety acres.

The best proof, however, of the low rent, estimated from lands situated in this portion of West Prussia, may be gathered from the scale calculated for the purposes of taxation in the Prussian dominions a few years ago. According to this scale, the average rental of the Prussian morgan in the entire kingdom was taken at 44 silver groschen (about 4*s*. 6*d*.) on tilled land.. In these circuits the average is,

In Bereut	..	..	16 sgr. per morgen of tilled land.
Carthans	..	..	12 „ „
Flatou	..	..	19 „ „
Konitz	..	..	18 „ „
Krone	..	..	19 „ „
Schlochan	..	..	12 „ „

But the low estimation of these lands is still more apparent in the average rental of the whole area, which is, for Prussia, 31 silbergroschen; and for these six circuits as follows:—Brent, 10; Carthans, 8; Flatow, 14; Konitz, 2; Deutsch Krone, 11; and for Schlochan, 7 silbergroschen only.

Another good criterion is the number and proportion of live stock; but lest it should be supposed that there had been no progress in the relative prosperity of these circuits within the last forty years, I must be allowed to state the number of animals recorded in them at two distant periods.

	Horses.	Horned cattle.	Sheep.	Goats.	Pigs.
In 1831	21,490	79,509	275,477	2,709	36,100
1864	41,535	124,159	741,756	5,660	53,097

Notwithstanding this fair progress is made in this respect, it must be observed that there were in 1867 only 7.5 horses and 16 milch cows to an English square mile in this portion of West Prussia, and less than five oxen to a mile, whilst the proportions of these for the entire district of West Prussia, were 5.2 oxen, 13.5 draught horses, and 23.2 cows to a mile.

The total area of these six circuits is 4,130 English square miles.

Valley of the Vistula.—A most striking contrast in every respect to this less favoured region constitutes another portion of West Prussia, know by the name of the Valley of the Vistula. Here we find, with respect to live stock, 21.2 draught horses to a mile, and nearly 30 milch cows; all other animals in proportion.

The breed of cattle, heretofore prevailing in this part of the district, was not at all remarkable for their forms, but were reputed good for the dairy. Of late, great attention is paid to the improvement of the breed, both of cattle and sheep. With regard to the latter, Southdowns are imported from England, with a view to their gradual substitution for fine woollen-merino sheep.

The portion known by the name of the Valley of the Vistula, consists of those circuits where a large portion of their lands or meadows lie adjacent to either of the two branches of that river, or to any of the canals and tributary streams whose waters flow into the Vistula.

These lands known in the country by the name of "Werder," or in other parts, "Wiederung," consist of a rich and fertile alluvial soil; and being protected from inundations by a complete system of embankments, they are cultivated with intelligence; and it may be said of the circuits in which they are situated, that with the addition of a

few adjoining circuits, this is the really productive portion of West Prussia, whence a large surplus of agricultural produce is brought for shipment to the port of Dantzig.

It is impossible for statistical purposes to disconnect altogether the Valley of the Vistula, and the other fertile localities of a similar nature from those more elevated lands situated within the same counties or circuits; it is necessary, therefore, to group together seven so-called circuits (kreise), partaking more or less of these advantages, viz., Dantzic, Elbing, Culm, Marienburg, Marienwerder, Graudentz, and Thorn, though many localities in them are quite out of the so-called Valley, whilst the circuit of Schwetz, which contains only a small portion or slip of land near the river, must be excluded in such a calculation.

These seven circuits together have an area of 2,544.7 square English miles, and about 22,000 owners of rural lands; giving, therefore, nearly ten proprietors to a square mile (exclusive of the surface occupied by towns), and 6.5 to every hundred of rural inhabitants.

Years of scarcity.—The produce, however, of a few acres of the greater part of these lands is fully equivalent to that of several times as large a space in the district previously described; and seasons of scarcity are almost unknown here; whilst those who work for daily wages, and those who own little portions of land in the other more barren localities, are not unfrequently exposed to great distress after a disastrous harvest. Thus, two two years ago, the mortality in some of the Slavonic villages of Pomeralia, consequent on a deficient crop, had largely increased. Though these latter circuits are thinly populated, in that of Schlochan there are only 57.9, in that of Konitz 67.8 inhabitants to a mile. Many labourers go at harvest time to seek for work in the Valley of the Vistula.

Returning to this favoured spot, we find that the arable lands situated there have been estimated as follows, for the land tax, in silbergroschen per Prussian morgen:—

	Silbergroschen.
Circuit of Dantzig	66
Elbing	98
Marienburg	108
Culm	40
Marienwerder	64
Graudentz	40
Thorn	46

And in the two circuits of Schwetz and Stargard, which though not included in the calculations for the valley district, contain some alluvial lands, these have been valued at a rent of 55 and 85 silbergroschen for the same purpose.

The land under tillage in this district constitutes more than three-fourths of the entire area, whilst the proportion of permanent grass land, in the Delta, formed by the separation of the Nogat from the Vistula, is unusually large, being 31.9 per cent. in the Elbing, and 24.7 in that of Marienburg.

Peasant Proprietors.—In these localities a visitor may therefore find peasant proprietors placed in the most favourable conditions for success, enjoying the advantages of a long possession of a rich soil with abundance of meadows, and the proximity of a seaport (Dantzig), where they have the greatest facilities to dispose of their produce. Here the ancient Teutonic or "or Colmisch" freeholds are more numerous.

It is, therefore, not to be wondered that persons so circumstanced have attained long ago a position of affluence which they are fully able to maintain. I have been assured by parties well acquainted with this district, that the peasant owners who can dispose of a capital of several thousand thalers are numerous, and that these generally endeavour to secure superior education to their children, and whilst continuing their former frugal habits, they have, with increasing prosperity, acquired an appreciation of comforts and conveniences in life which were neither practised nor even known by their fathers.

Credit.—The peasant proprietors in this fertile district are very seldom borrowers, and when they are compelled to raise money, they do so, I am told, generally from their own neighbours or friends. It is in the unproductive circuits that the money-lender, the professional one, may find applicants; but I was unable to collect any particulars on the subject.

Mortgages.—There is only one institution existing in West Prussia which, since 1861, affords facilities for loans to all proprietors whose holdings are valued at 1500 thalers (225*l.*), the estimation being made much below the actual value in the market.

This Institution, which is the New West Prussian Landed Bank or Landschaft, has granted from 1861 to 1867, 2,450,710 thalers, or 352,525*l.*, on 380 properties. Of this

this sum, 2,197,780 thalers are mortgaged on 358 properties in the Marienwerder portion of West Prussia, and only the remainder on 22 properties in that of Dantzig.

But it must be observed that it does not appear that all these loans are raised by peasants, as all those owners of land who are not entitled to obtain any from the parent institution limited to seigneurial properties, get their loans here, and are included in these figures.

The remarks that have been made will suffice, I hope, to convey a general impression of the condition of the peasant owners in these thirteen circuits of West Prussia, the same observations applying equally to those in the remaining seven circuits, the situation being always very much affected by the quality of the soil in their possession.

It may be therefore necessary to state that it is excellent in four of the remaining circuits, middling in one, and only inferior in the two conterminous to the Kingdom of Poland, viz., Loeban and Strasburg.

The various implements of husbandry have undergone considerable improvement within the last twenty years.

Crops.—As regards the course of cultivation or rotation of crops, these differ very much in each locality, the farmers in the Valley of the Vistula are able to apply cattle manure to their land every five years, and by the introduction of clover in the rotation are in a position to dispense with fallow. Wheat, barley, rape-seed are grown by them, and a large surplus of all these is sold annually.

The lands situated in other fertile circuits, out of the valley, constitute a transition between the rich alluvial soil and the sandy plains of the north-westerly district: on these both wheat and rye are sown, and a fallow of a year's rest is given to the land every five or six years. In the less productive circuits, and on lands deemed to be unfit to grow wheat, rye is grown, and either followed by oats or by a fallow of several years' duration, whilst potatoes are limited to the quantity of land which has been freshly manured; and the produce is employed both for the food of the people and for distilling spirits.

Between the condition of affluence and prosperity visible among the peasant proprietors, even when owning only a few acres in some localities, and the comparatively unfavourable impression produced by the style of living, habitations, quality of stock, &c., of others similarly situated, living in other parts of West Prussia, a striking constrast is presented. It appears, on inquiry, that there exists a quality of soil so different that it might account sufficiently for this contrast; but it happens that the most fertile lands are in the possession of Teutonic proprietors, whilst the Slavonic peasantry are less favoured by the natural capabilities of the soil in their occupation; and the different characteristics of the two races are invoked constantly as the cause of success in one portion of the province and failure in another.

By the way of illustrating the results of the successful peasant proprietor and of one whose straitened circumstances are visible in his farmyard, a German friend of mine, publishing a work on the subject, intends giving two drawings of farmeries situated in West Prussia, in a fertile and in a barren locality. Though his work has not made its appearance yet, he has kindly favoured me with a copy of these two drawings, which I take the liberty to forward as accompanying this Report, as it has appeared to me that they are likely to convey an impression similar to those experienced by myself when visiting farms in different parts of this district.

The results of peasant proprietorship have been extolled by some writers and disparaged by others. My own inquiries, in addition to those previously made in Austria and Russia, have been recently confined to the Eastern Provinces of Prussia, it may not be, perhaps, considered as presumptuous on my part if I state it to be my impression that the result has been on the whole favourable in these districts, though I cannot help thinking that the results of such a system are always affected by the habits, the traditions, the views entertained by the people where it is in force, by the economic conditions of the country to which it is applied, and even by the quality of the soil thus distributed.

To obtain a correct notion of the results of the existing system it is necessary to compare the present state of things in West Prussia with a description of these maritime districts drawn up by a keen and most intelligent observer, the late William Jacob, Esq., as contained in his Report, laid before Parliament in 1826.

The freedom of the peasants from feudal servitude was then but of recent date, the landed gentry were very much incumbered with mortgages, the country had hardly recovered from the effects of long and disastrous wars, there was a scarcity of capital, and it was considered that the new proprietors were almost worse off than under the old tenures; on which Mr. Jacob judiciously observes that this temporary effect "was not to be considered to be

an impeachment of the wisdom which had planned and executed their emancipation." Mr. Jacob also noticed at the time a most pleasing difference on the banks of the Vistula near Dantzig in the Niedening or Nehening Valley, which he says reminded him of some parts of Flanders.

Production.—The average surplus of grain exported from West Prussia during the years from 1816 to 1824 amounted to 173,000 quarters of wheat and to 74,000 quarters of all other grain; this surplus has increased to an average of 300,000 quarters for wheat, whilst other grain has more than doubled, and 60,000 quarters of rapeseed are also shipped annually, besides the consumption of that article for pressing oil in the local oilmills.

This large increase in the surplus of agricultural production has been accompanied by a considerably greater demand for home consumption consequent to an increase of population, which was (inclusive of the military profession), 698,103 in the year 1822; 784,366 in 1831, and 1,282,242 at the last census.

Live Stock.—The increase in live stock has been no less considerable during the same period.

NUMBERS of Live Stock at different Periods in West Prussia.

Name.	1816.	1831.	1849.	1867.
Horses	102,006	112,538	149,026	180,000
Horned cattle	215,809	246,597	343,856	377,229
Sheep	393,418	709,180	1,259,570	1,918,967
Goats	2,455	3,161	9,163	33,941
Swine	138,806	152,281	196,796	264,094

Although the above return includes all the live stock in the district, and not the property of peasant owners alone, which cannot be ascertained separately, it is a pretty good indication of the rising prosperity in a district where peasant properties are so numerous.

Different Kinds of Properties.—In the Dantzic portion of West Prussia, the following quantity of land is distributed between estates, large and small proprietors:—

To each 1,000 acres the following number of acres is the property of each class:—

Circuit.	Owned by the Country Gentry.	Owned by Larger Peasant Proprietors.	Owned by Small Peasant Proprietors.
	Morgen.	Morgen.	Morgen.
Bereut	216	504	18
Carthaus	337	433	42
Dantzig	227	581	27
Elbing	102	548	57
Marienburg	4	939	56
Neustadt	429	345	15
Stargard	223	360	14

The number of all kinds of properties in land was estimated, in 1861, in West Prussia (exclusive, of course, of those whose freeholds consist of the land on which houses are built, 17,481), at 86,664, and it appears that this was the number of registered properties or titles in the Record Office or Hypothec at that time, viz.:—

	Total Number of all kinds of Registered Properties.	Number of Farms owned by some one holding other Properties.	Supposed actual Number of Proprietors.
On country estates and manors ..	4,746	879	3,867
Within Municipal boundaries ..	11,481	1,223	10,258
In peasant villages, hamlets, &c. ..	70,437	6,744	63,693
	86,664	8,846	77,818

The size of the larger peasant properties differs very much. The following are the averages, in English acres, of properties of this class in the Dantzic district alone:—Berent circuit, 99 acres each; Carthans, 77; Dantzig, 60; Elbing, 38; Marienburg, 50; Neustadt, 97; and Stargard, 86 acres each.

The smaller holdings in the Dantzic district vary, in different circuits, as follows :—

Circuit.	Largest of the Small Holdings.	Size of the Smallest.
	Prussian Morgen.	Prussian Morgen.
Berent	86	$\frac{1}{10}$
Carthans	$29\frac{1}{2}$	$\frac{1}{16}$
Dantzig	$29\frac{2}{3}$	$\frac{1}{180}$
Elbing	31	$\frac{1}{6}$
Marienburg	34	$\frac{1}{6}$
Neustadt	45	$\frac{1}{18}$
Stargard	60	$\frac{1}{45}$
In the Dantzig district ..	86	$\frac{1}{180}$

The size of the various holdings and farms of all kinds were returned last in 1859, and some alterations may have taken place since; but as this is the last official Return given, I beg to submit it in the two following Tables, V and VI, separating the rural properties from those situated within municipal boundaries.

(Table 5.)—AVERAGE of Peasant Properties in the Rural portion of the District of West Prussia, giving the Sizes of different Holdings in Prussian Morgen.

Name of Circuit.	Less then 5 Morgen.	Above 5 but less than 30 Morgen.	Above 30 but less than 300 Morgen.	Above 300 but less than 600 Morgen.	Above 600 Morgen.	Total Number of all sizes.
Berent	392	425	1,284	105	98	2,304
Dantzig	1,802	640	1,313	125	84	3,964
Elbing	1,032	718	1,109	70	30	2,959
Flatow	923	1,139	1,924	99	107	4,192
Graudentz	1,214	522	883	43	80	2,742
Carthans	538	1,181	1,651	69	93	3,532
Deutsch-Krone ..	684	365	1,601	252	134	3,036
Culm	676	834	822	30	100	2,462
Loeban	525	306	1,475	63	55	2,424
Marienburg	751	791	1,320	168	29	3,059
Marienwerder ..	2,053	663	1,042	91	63	3,912
Neustadt	546	588	1,437	54	107	2,732
Rosenberg	594	366	852	31	55	1,898
Schlochan	642	611	1,290	205	134	2,882
Schwetz	1,750	1,864	1,555	47	93	5,309
Stargard	1,266	409	1,166	95	100	3,036
Strasburg	761	942	1,494	65	88	3,050
Stuhm	1,152	368	754	78	66	2,418
Thorn	693	906	1,096	57	91	2,843
Konitz	1,220	780	1,770	184	161	4,115
Total	19,214	14,118	25,838	1,931	1,768	62,869

(Table 6.)—AVERAGE of Properties of different Sizes situated within Townships in the District of West Prussia, giving the Dimensions of different Holdings in Prussian Morgen.

Name of Circuit.	Number of less than 5 Morgen.	Above 5 but less than 30 Morgen.	Above 30 but less than 300 Morgen.	Above 300 but less than 600 Morgen.	Above 600 Morgen.	Total Number of all sizes.
Berent	86	89	76	7	..	258
Dantzig	185	16	7	..	..	208
Elbing	483	163	69	..	..	715
Flatow	474	352	265	13	3	1,107
Graudentz	371	83	92	3	3	552
Carthans	..	..	..	..	..	..
Deutsch-Krone ..	680	289	397	19	15	1,400
Culm	700	128	49	2	..	879
Loeban	111	171	94	8	..	384
Marienburg	421	10	26	1	..	458
Marienwerder ..	53	107	52	3	1	216
Neustadt	100	63	33	2	3	201
Rosenberg	204	201	170	11	2	588
Schlochan	272	348	268	15	10	913
Schwetz	151	186	30	2	1	370
Stargard	55	112	55	8	4	234
Strasburg	200	193	107	5	2	507
Stuhm	157	47	58	2	..	264
Thorn	205	31	37	3	1	277
Konitz	175	60	54	6	4	299
Total	5,082	2,649	1,939	110	49	9,830

The above Table V enables me to draw the following relative percentage in the distribution of the three different dimensions of peasant holdings, taking only those of less than 190 acres (300 morgen).

PROPORTION of Large, Middle-sized, and Small Holdings to a Total of these three Heads.

Circuits.	Small Holdings of less than 5 Morgen 3·9 Acres.	Middled Sized Holdings of more than 8 less than 30 Morgen 19 Acres.	Large Holdings of more than 30 less than 300 Morgen, or 190 Acres.
Marienwerder	54	18	27
Dantzig	48	17	35
Schwetz	34	36	30
Konitz	32	20	47
Stulm	50	16	33
Berent	18	20	61
Flatow	23	29	48
Carthaus	16	35	49
Deutsch-Krone	25	14	60
Elbing	36	25	39
Graudentz	49	22	28
In the District of West Prussia ..	32	24	43

Inheritance.—The value attached to ownership of land, and the traditional habits of the peasant class, as well as the frequent possession of some ready money, enable most of those whose holdings make them independent of wages to act in such a manner as to counteract the dispositions of the laws of their country on the subject of equal shares. In West Prussia, just in the same way as I have had occasion to observe in other districts visited, there are not as many cases of subdivision through inheritance as the state of the law on the subject would lead us to expect. Dispositions are generally taken by the owners during their lifetime to avoid such a contingency after their demise.

The fictitious sales of this land by parents to one of their favoured children, render the prices quoted as the purchase value of peasant properties in so far unreliable.

Subdivision.—A more frequent cause of subdivision of these properties are *bonâ fide* sales effected by speculators, with a view of finding purchasers at a higher price in lots.

The inquiry carried out in 1859 on the subject of the two classes of peasant holdings in existence, namely, such as employed horses or cattle for field work, and those small second-class owners who could not employ either, has given us the following results for West Prussia :—

	First Class Properties Only.		
	In 1816 No. of Holdings.	In 1859 No. of Holdings.	In 1867 From later Returns.
Marienwerder	18,143	18,133	Not ascertained.
Dantzig	8,933	10,359	11,265
West Prussia	27,076	28,492	..

A reference to the total number of acres held by this class is superfluous, as the figures returned cannot be relied upon; they not only differ from other official tables, but they only account for $\frac{76}{100}$ of the entire area of peasant villages; the extent of each property was probably supplied by the owners themselves—a class known for their mistrust—and are, therefore, so much below the mark.

The changes between 1816 and 1859 are accounted for in this class of properties as follows :—

			Prussian Morgen.	
			Marienwerder.	Dantzig.
Decrease :—				
Through subdivision	829	252	90,429	25,131
Through absorption by other peasant properties ..	1,093	313	110,852	35,185
Through absorption by estates not owned by peasants .	896	113	90,817	11,533
Total decrease..	2,818	678	292,098	91,849
Increase :—				
New first class peasant buildings	2,808	2,104	207,369	145,446
Therefore decrease	10	..	..	..
Total increase	..	1,426	..	..

During the period referred to, the first-class peasant properties still continuing had the following diminution of acreage :—

In Marienwerder, 72,607 morgen, and in Dantzic division, 20,412, all disposed of in favour of second-class small holdings.

Bought up and annexed by estates or other non-peasant properties, 57,592 morgen in Marienwerder, and 3,213 in Dantzig.

At the same time, 569 morgen passed in the circuit of Marienwerder, from second class to first class peasant owners, and 59,409 morgen were acquired in the following eight circuits by peasants from estates, viz. :—Flatow, 9,882; Konitz, 14,787; Berent, 8,445; Carthans, 11,399; Neustadt, 10,610; Dantzig, 2,334; Marienburg, 1,135; and Elbing, 867 morgen.

This last fact is certainly a proof of the increasing prosperity of this class of peasant owners in West Prussia. During the year 1864, the following changes in both classes of holdings were reported in the Dantzic division :—

Four holdings were annexed to other properties; 3 of these were less than 10 morgen, 1 less than 50.

One hundred and nine lots of different sizes were purchased from peasant properties by others of the same class. Of these, 59 were below 10, and 7 above 100 morgen; of the latter, 6 were in the circuit of Berent.

During the years 1865, 1866, and 1867, changes occurred in 269 localities in the Dantzic division. By these, 1,400 acres changed hands among peasant owners, including 150 acres through inheritance; 84 properties were absorbed by others, among these 13 through inheritance.

Peasant proprietors were dispossessed of 100 acres for railway purposes.

Two hundred and forty-three new holdings were formed, viz., 2 of less than 10 acres, and 34 of 41 acres each; of these new properties, 36 owe their origin to subdivision among heirs.

Relief from Common Pasture, &c.—The important work of relief from common pasture, rights of forest, &c., is near completion in this district; the quality of land affected by this change amounted in the Dantzic portion, till 1863, to 1,207,442 morgen, and from that time till 1867, to 37,584 morgen more, the number of properties effected to 12,265.

Improvements.—In conclusion, I may refer to the efforts made by the Agricultural Association of West Prussia to improve the cultivation of peasant properties by paying a special travelling agent, who instructs the peasants, and introduces a scientific course of cropping, instead of the present "wilde wirthschaft" still existing on many of them.

The following is the return of farms, the property of peasants, where a proper mode of rotation has been introduced by this agent:—

	Morgen.
Circuit of Berent, 7 farms containing	3,113
Stargard, 26 ditto	6,196
Marienwerder, 3 ditto	608
Flatow, 7 ditto	2,827
Stuhm, 2 ditto	600
Dantzig, 2 ditto	538
Graudentz, 9 ditto	1,024
Konitz, 4 ditto	1,802
Schlochan, 2 ditto	1,415

In the years 1865 to 1868 inclusive.

British Consulate, Dantzig, January 10, 1870.

(Signed) W. A. WHITE.

No. 10.

Lord A. Loftus to the Earl of Clarendon.—(*Received January* 17.)

My Lord, *Berlin, January* 15, 1870.

I HAVE the honour to inclose to your Lordship herewith copy of a despatch from Her Majesty's Consul at Dantzic, transmitting to me a Report drawn up by him on the subject of peasant proprietors, and land occupation in the Province of Posen.

I have, &c.

(Signed) AUGUSTUS LOFTUS.

Inclosure 1 in No. 10.

Consul White to Lord A. Loftus.

My Lord, *Dantzig, January* 13, 1870.

I HAVE the honour to inclose a Report drawn up by me on the subject of peasant properties and land occupation in the Province of Posen.

In submitting this Report to your Excellency, I beg leave to close the series of documents on that subject prepared in accordance to your Excellency's instructions, as contained in your despatch of the 14th October, 1869, and including the answers to the principal points to which your Excellency directed my attention, when desiring me to visit Silesia and Posen.

I have, &c.

(Signed) W. A. WHITE.

Inclosure 2 in No. 10.

Report by Consul White on Peasant Properties and Land Occupation in the Province of Posen.

THE Province or Grand Duchy of Posen, as it is sometimes called, consists of districts detached by the partitions from ancient Poland, re-incorporated by Napoleon I in the Duchy of Warsaw, at the peace of Tilsit, and finally restored to Prussia by the Treaty of Vienna.

Area.—The area of this province consists of 1,172 English square miles (525½ geographical square miles), or 7,150,000 acres (in round figures). For administrative purposes the Province is divided into two portions or departments. viz., Posen with seventeen, and Bromberg with nine circuits (Kreise).

Soil.—Posen is situated within that vast sandy plain which extends from the shores of Holland to the extremity of Asiatic Russia; a light soil is therefore predominant, three-fifths of the total area are under tillage, one-fifth under forests. The proportion of grass land is 8 per cent., and therefore less than in Silesia or West Prussia.

During the survey, made for purposes of taxation, the rental of this province was estimated as everywhere in Prussia, at so many silbergroschen per morgen. The highest estimate in this province is 43, the lowest 15 silbergroschen; whilst the average for all lands is 21, and the average for arable land only 26 in the Posen department, and 28 groschen in that of Bromberg.

Population.—The population of the entire Province was at the last census in December 1867, as follows.

Urban, in 144 towns	399,625
Rural	1,119,566
Total inhabitants	1,519,191

The density of population is therefore an average of 123·6 per English square mile in the Bromberg department, of 144 to a mile in that of Posen, and of nearly 136 for the entire province.

The density of the rural population alone is 93·3 and 104·7 in the two departments, aad 100·2 for the province.

The following Table gives the results of the progress of population from 1816 for both divisions, distinguishing between the urban and rural population.

Each 1,000 inhabitants in 1816 have increased as follows:—

	1816.	1822.	1831.	1840.	1849.	1858.	1864.	1867.
Urban population—								
Bromberg	1,000	1,105	1,200	1,392	1,587	1,767	1,979	2,026
Posen	1,000	1,091	1,215	1,340	1,405	1,498	1,573	1,583
Rural population—								
Bromberg	1,000	1,291	1,384	1,777	1,961	2,142	2,313	2,330
Posen	1,000	1,160	1,292	1,474	1,601	1,634	1,742	1,755
Entire population—								
Bromberg	1,000	1,239	1,332	1,670	1,857	2,037	2,223	2,248
Posen	1,000	1,139	1,221	1,433	1,559	1,595	1,692	1,705

Religions.—There were in the year 1864, in the Province of Posen—

Protestants of the Established Church	487,406
Roman Catholics	946,469
Belonging to other Christian creeds	2,186
Of the Jewish religion	69,883
	1,505,944

Emigration.—The total number of persons who emigrated from this province from October 1844 to the end of 1859 was 5,683, of these 3,350 returned to the capital in their possession at 126,500*l.*

During the same period 1,228 foreigners settled in Posen and were naturalized.

From 1862 to 1864 the average of persons emigrating was 676 annually, principally to America, showing an increase of nearly double from what it was from 1844 to 1859; but as far as I have been able to ascertain, this ratio has not shown a tendency to increase since 1864, and, compared to the population, cannot be considered high.

Towns.—There are many towns in this Province hardly deserving that name, but have retained it from old Polish times when they were inhabited by free cultivators, and the rural population was considered in a state of servitude.

The total population of these towns is nearly 400,000 inhabitants, among whom there are 22,000 owners of land, and moreover, 11,938 freehold properties, consisting of houses without land. The average dimensions of the properties in land is therefore 18 acres in towns.

Particulars of the different sizes, and the numbers of holdings of each, will be found further under Tables VI and VIII.

Of these 144 towns the following are the only ones of some importance:—Posen, with 46,514 civilian inhabitants; Bromberg, with 25,180; Lissa, with 9,323; Ranitch, with 1,038. There are twelve other towns with above 5,000 inhabitants; 48 with more than 2,000 but less than 5,000 inhabitants; 58 with more than 1,000, but less than 2,000; and 22 of less than 1,000 inhabitants.

Industries.—The Province of Posen is like West Prussia, eminently an agricultural district, and the existing industries are unimportant. It will be seen from the Table of Occupations of the rural population (Table I) that out of 1,119,566 there are 716,242 directly or indirectly employed in agriculture, of whom 80,662, or more than 11 per cent. are proprietors, and and only 2,103 or 0·3 per cent. tenants.

In looking over the lists of artizans and handicrafts for the year 1861 and previous years, carefully drawn up for the district of Posen only, I find the remaining population fully accounted for. In that portion, three-fifths of the entire Province, there were returned—

Butchers	1,718
Bakers and confectioners	2,045
Shoe and glove makers	7,678
Tailors, &c.	4,646
Carpenters	2,111
Masons and bricklayers	1,920
Blacksmiths and locksmiths	5,432

There are no mineral or coal pits, or no manufactures in the Province, with the exception of three establishments for agricultural machinery, a few weavers of common stuffs, and three or four manufactures of beetroot-sugar. Breweries, distilleries, oil and flour mills, some glass works, these are the only manufactories which this province possesses in common with other agricultural localities.

Before proceeding to make some observations on the cultivators of the soil, I beg leave to inclose the several Statistical Tables, throwing some light on the subject:—

(Table 1.)—OCCUPATIONS of the Rural Population in the Province of Posen, giving the Number of Persons employed as Owners, Tenants, Servants, or Labourers in Agriculture, and the Numbers of Holdings with Resident and non-Resident Proprietors, and of Cottages without Land.

District.	Total Numbers of Rural Population, 1867.	Engaged in Agriculture.													Peasant Properties.		
		Total Number of Persons.	Exclusively.			As an Auxiliary Employment.			Stewards, Agents, &c.	Female Housekeepers.	Farm Servants.		Labourers.		Owners Residing.	Owners Holding other Properties.	Houses without Land.
			Owners of Land.	Owners.	Families of Foregoing.	Owners of Land.	Tenants.	Families of Foregoing.			Male.	Female.	Male.	Female.			
															No.	No.	No.
1. Bromberg	233,695	137,364	13,118	307	67,867	3,022	144	13,203	772	254	9,455	7,010	10,802	11,410	17,606	3,166	782
2. Gnesen	178,697	104,533	7,895	233	41,023	1,506	88	6,771	1,075	387	14,277	9,132	11,395	10,750	9,726	1,090	166
3. Bomst	109,168	79,874	8,518	77	38,378	2,308	91	9,837	366	181	5,071	3,973	5,623	5,451	10,032	1,665	931
4. Fraustadt	181,620	123,750	12,548	235	55,345	3,559	159	14,029	1,176	263	12,973	9,533	6,981	6,949	16,454	1,529	1,436
5. Posen	168,367	104,047	8,418	182	41,349	1,885	127	8,591	962	251	10,056	8,222	12,286	11,718	11,395	1,026	911
6. Pleschen	135,780	92,317	10,196	205	50,725	1,047	84	4,014	729	154	7,760	5,674	6,224	5,505	11,988	867	540
7. Schroeda	112,239	74,357	6,220	143	35,323.	422	28	2,068	601	164	7,688	6,105	8,137	7,458	7,216	592	378
Total	1,119,566	716,242	66,913	1,382	330,010	13,749	721	58,513	5,681	1,654	67,280	49,652	61,446	59,241	84,417	9,935	5,144

(Table 2.)—DISTRIBUTION of Lands in the Province of Posen, among Towns, Large Landowners, and Peasant Proprietors, giving the Numbers of each, and dividing the latter in Two Classes, as they employ Horses or Cattle for Tillage, or are unable to do so.

District.	Area.		Towns.			Estates.		Peasant Villages.		Owners of Peasant Holdings.			
										1st Class Peasants employing Cattle.		2nd Class, not having Cattle for Ploughing.	
	English Acres.	Prussian Morgen.	Number of Towns.	Total Surface Occupied.	Number of Proprietors.	Total Surface.	Number of Farms.	Total Area.	Number of Free Holdings.	Morgen Owned.	Number.	Morgen Owned.	Number.
				Morgen.		Morgen.		Morgen.					
1. Bromberg	1,575,575	2,495,740	26	139,803	5,864	1,273,314	556	1,085,883	20,772	784,351	7,352	89,386	10,007
2. Gnesen	1,251,752	1,984,430	26	78,632	2,502	1,182,659	649	723,138	10,816	535,959	6,014	39,126	3,908
3. Bomst	859,899	1,363,007	19	107,984	3,410	628,093	202	627,079	11,697	495,239	6,134	30,116	4,369
4. Fraustadt	1,025,892	1,626,153	29	107,603	4,826	907,827	334	611,085	17,983	483,624	9,760	37,376	5,657
5. Posen	1,046,301	1,656,740	17	47,751	1,961	997,395	275	615,002	12,421	475,054	6,912	31,256	4,500
6. Pleschen	715,676	1,135,892	13	56,273	2,206	679,341	225	400,045	12,855	290,886	6,751	56,618	4,069
7. Schroeda	674,858	1,069,769	14	38,244	1,301	649,303	289	382,204	7,808	309,423	5,085	15,916	1,574
Total	7,149,953	11,331,731	144	567,290	22,070	6,317,932	2,530	4,444,436	94,352	3,374,536	48,008	229,794	34,084

(Table 3.)—DISTRIBUTION of every kind of Cultivated and Uncultivated Lands in the Province of Posen, stating the quantities of each in Prussian Morgen.

District.	Total Area.			Uncultivated.					Premises including adjoining Premises.	Cultivated Lands.					
	Geographical Square Miles.	English Square Miles.	Prussian Morgen.	Water.	High- and Water-ways.	Waste.	Not capable of Cultivation.	Total.		Garden Land.	Tilled Land.	Meadows.	Pasture Land.	Woods and Plantations.	Total.
1. Bromberg	115·8	2,462·1	2,495,740	36,462	61,039	5,698	116	103,315	19,376	12,105	1,218,191	253,077	169,407	720,269	2,373,049
2. Gnesen	92·0	1,955·9	1,984,430	58,619	37,749	3,864	183	100,485	13,855	7,177	1,336,192	133,085	119,106	274,530	1,870,090
3. Bomst	63·2	1,343·6	1,363,007	41,926	33,615	748	9	76,298	11,157	7,770	641,921	111,367	64,730	449,764	1,275,552
4. Fraustadt	75·4	1,602·9	1,626,153	12,349	39,903	1,810	25	54,087	17,767	7,620	1,098,845	160,865	45,987	240,982	1,554,299
5. Posen	76·9	1,634·8	1,656,740	20,240	38,230	374	81	58,925	13,967	11,767	1,030,862	109,291	72,337	359,591	1,583,848
6. Pleschen	52·6	1,118·2	1,135,892	3,926	25,264	1,370	1,028	31,588	11,728	4,950	694,023	106,529	47,571	239,503	1,092,576
7. Schroeda	49·6	1,054·5	1,069,769	10,971	24,713	717	196	36,597	9,616	3,977	730,322	70,840	53,924	164,493	1,023,556
Total	525·5	11,172·0	11,331,731	184,563	260,513	14,581	1,638	461,295	97,466	55,366	6,750,356	945 054	573,062	2,449,132	10,772,970

(Table 4.)—PER-CENTAGE of Average of the various kinds of Land in the Province of Posen.

District.	Area in English.		Tilled Land.	Garden Land.	Meadows.	Pasture.	Woods and Plantations.	Total Cultivated Lands.	Premises, &c.	Total of Uncultivated Lands.
	Square Miles.	Acres.								
1. Bromberg	2,462·1	1,575,575	49·9	0·5	10·3	6·7	27·7	95·1	0·8	4·1
2. Gnesen	1,955·9	1,251,752	67·9	0·4	6·7	5·8	13·3	94·1	0·7	5·2
3. Bomst	1,343·6	859,899	47·5	0·6	8·4	4·7	32·5	93·7	0·8	5·5
4. Fraustadt	1,602·9	1,025,892	67·7	0·5	9·7	2·8	15·0	95·7	1·1	3·2
5. Posen	1,634·8	1,046,301	62·3	0·7	6·6	4·4	21·7	95·7	0·8	3·5
6. Pleschen	1,118·2	715,676	60·9	0·4	9·6	4·1	21·2	96·9	1·0	2·8
7. Schroeda	1,054·5	674,858	69·0	0·4	6·4	4·9	15·2	95·9	0·9	3·2
Entire Province—Average	11,172·0	7,149,9 53	60·7	0·5	8·2	4·9	20·9	95·2	0·9	3·9

(Table 5.)—AVERAGE of all kind of Rural Properties in the District of Bromberg, Province of Posen, giving the Sizes of the different Holdings in Prussian Morgen.

Name of Circuit.	Those of less than 5 Morgen.	Above 5 but less than 30 Morgen.	Above 30 but less than 300 Morgen.	Above 300 but less than 600 Morgen.	Above 600 Morgen.	Total Number of all Dimensions.
Bromberg	1,599	1,562	1,205	99	81	4,546
Chodzisen	288	1,098	1,184	39	60	2,669
Charnikan	1,032	1,487	1,966	72	68	4,655
Gnesen	294	547	1,801	46	137	2,825
Inowroclaw	699	1,351	1,713	61	200	4,024
Mogihu	206	511	1,266	58	82	2,123
Schubin	387	1,390	1,080	30	90	2,977
Wirsitz	438	749	1,392	53	98	2,730
Wongrowietz ..	220	305	1,750	51	133	2,459
Total	5,163	9,000	13,387	509	949	29,088

(Table 6.)—AVERAGE of Properties of different Sizes situated within Townships in the Dittrict of Bromberg, in the Province of Posen, giving the Dimensions of the Holdings in Prussian Morgen.

Name of Circuit.	Those of less than 5 Morgen.	Above 5 but less than 30 Morgen.	Above 30 but less than 300 Morgen.	Above 300 but less than 600 Morgen.	Above 600 Morgen.	Total of all Dimensions.
Bromberg	249	87	34	10	6	386
Chodzisen	723	456	201	14	5	1,399
Charnikan	714	196	57	6	2	975
Gnesen	639	142	133	4	3	921
Inowroclaw	442	225	136	8	2	813
Mogihu	382	123	119	11	1	636
Schubin	419	289	139	8	2	857
Wirsitz	810	252	120	11	2	1,195
Wongrowietz ..	443	150	70	5	..	668
Total	4,821	1,920	1,009	77	23	7,850

(Table 7.)—AVERAGE of all kinds of Properties in the Rural portion of the District of Posen, in the Province of Posen, giving the Sizes of different Holdings in Prussian Morgen.

Name of Circuit.	Those of less than 5 Morgen.	Above 5 but less than 30 Morgen.	Above 30 but less than 300 Morgen.	Above 300 but less than 600 Morgen.	Above 600 Morgen.	Total Number of all Sizes.
Adelnan	403	1,511	1,661	13	77	3,665
Birubaum	389	357	1,472	43	87	3,348
Bomst	741	1,366	2,145	18	57	4,327
Buk	882	1,239	1,769	15	72	3,977
Fraustadt	959	1,576	1,651	20	89	4,295
Kosten	1,012	909	2,410	31	138	4,500
Kroben	843	1,773	1,580	32	128	4,356
Krotoschin	358	1,713	1,607	10	109	3,795
Mesentz	459	748	1,894	50	58	3,209
Oborink	241	253	1,446	59	96	2,095
Plescher	238	1,503	1,399	14	126	3,280
Posen	866	597	1,928	38	120	3,549
Samter	335	313	1,271	18	114	2,051
Schildberg	172	1,910	1,926	7	88	4,103
Schrimen	261	568	1,762	14	108	2,713
Schroeda	125	411	1,712	21	108	2,377
Wreschen	142	507	1,147	30	87	1,973
Total	8,426	17,314	28,780	433	1,660	56,613

(Table 8.)—AVERAGE of Properties of different Sizes situated within Townships in the District of Posen, in the Province of Posen, giving the Dimensions of different Holdings in Prussian Morgen.

Circuit.	Number of less than 5 Morgen.	Above 5 but less than 30 Morgen.	Above 30 but less than 300 Morgen.	Above 300 but less than 600 Morgen.	Above 600 Morgen.	Total Number of all Sizes.
Adelnau	196	432	175	4	2	809
Birubaum	705	292	236	8	5	1,246
Bourst	487	488	158	2	1	1,136
Buk	333	223	97	3	..	656
Fraustadt	611	319	162	4	..	1,096
Kosten	287	180	85	4	..	556
Kroben	714	676	145	5	3	1,543
Krotoschin	568	620	192	7	3	1,390
Meseritz	466	275	197	5	4	947
Obornik	307	91	75	5	..	478
Pleschen	341	149	69	2	1	562
Posen	209	96	19	1	1	326
Sampter	192	133	82	1	..	408
Schildberg	386	425	130	2	2	945
Schriman	269	135	116	3	2	525
Schroda	120	50	92	6	..	268
Wreschen	191	34	26	1	..	252
Total	6,382	4,618	2,056	63	24	13,143

From the foregoing Tables it appears that, out of a total area of 11,331,731 morgen, or 7,150,000 acres, 6,317,932 morgen constitute the estates and manors the property of the gentry; 3,374,536 morgen constitute peasant villages. As regards the former, there are 101,678 morgen the property of municipal and communal corporations; 187,794 morgen ecclesiastical property, 740,000 Crown property, and 184,355 morgen entailed private property.

There are 2,530 different estates and farms; of these, 1,500 have the privileges of Seigneurial estates (Rittergüter), and the number of proprietors is stated at 2,029.

The properties vary, of course, in dimensions from 500 morgen to 10,000, and even more, the average for the province is 3,020.

The estates of the landed gentry have improved very much within the last twenty years. Many of the Polish owners who could not lay out capital on improvements, having inherited heavily mortgaged property, have sold out, and the relative lower prices of land, as compared with other German provinces, has induced purchasers from all parts to invest their money in land, and the cultivation of large farms has undergone a gradual improvement since, which is visible in every direction; and the remaining Polish proprietors are vieing with their German competitors in applying their energy and their capital to render their estates more productive.

With respect to peasant properties, which average 50 morgens (31½ acres each), in this province there has likewise been a great change in the class of owners, whilst in some other Prussian provinces the tendency has been to make smaller holdings by sub-division, and in others the proprietors of estates have sought to annex to their properties adjacent holdings by purchasing them. Another symptom, of which I had observed some cases in Silesia, has manifested itself in Posen. From 1823, the date of the abolition of feudal burthens, to 1859, the number of first-class peasant properties had increased from 45,817 to 48,008, therefore, there were 2,191 new such holdings, consisting of 94,702 morgen, which owe their origin to the sub-division of the estates of the gentry.

The influx of farming peasants from other parts of Germany has produced a rise in the value of land, but not to the level of what it is in other conterminous provinces. The large number of estates which have been in the market and have changed hands in Posen have, in many cases, made it desirable for the new purchasers to detach portions from them, and sell them to the immigrants at a higher price than they had paid themselves for the whole. Of course no accurate data can be obtained of the way in which these changes were brought about between 1823 and 1859, but what is going on at the present day is a pretty good indication of a tendency, strongly marked by the presence of new peasant proprietors in the province who have come as purchasers from other districts.

It appears that the sub-division of estates has not continued in 1867 and 1868;

but in an official Report for the circuit of Schildberg for 1861, I find the following information :—

The estates of Kempen and Wierusrow, and the farms, Ainholke and Trzeinica in this circuit, have been sub-divided and disposed of in lots.

Kemper consisted of 5,407 morgen, of these, four new farms have been formed with nearly 4,000 morgen, and the remainder has been dispose of in holdings of 120 morgen each. The other farms have been distributed also on a similar plan.

From a similar document for the circuit of Schroda, it appears quite as clearly that the increase in first-class holdings is due to acquisitions from estates.

In this circuit there were returned in 1859, 1,863 first-class peasant properties, showing an increase of 34 since 1823; but, on the 1st January, 1865, there were 3,186 holdings of this class, and 3,274 on the 1st January, 1868.

The estates with Seigneurial privileges, which were 91 in 1861, had diminished to 77.

During the years 1865, 1866, and 1867 the diminution of property had been as follows :—

	Morgen.
In estates	5,436
First class holdings	1,724
Second class ditto	72
	7,232

Of these, 1,103 morgen were joined to existing possessions. Out of 6,129 morgen new holdings were consitituted, viz., 6,022 morgen first-class peasant properties, with 107 morgen second-class peasant properties.

The number of second-class holdings was 302 in the year 1859, but 858 in 1865, and 940 on the 1st January, 1868.

As the changes which have taken place since 1859 do not appear in any statistical work, it is impossible to make any general use of scraps of information obtained in particular localities, except in so far as to show the tendency manifested in some particular direction.

The tendency in the province of Posen, till 1866, was evidently the increase of peasant properties, both first and second-class ones, at the expense of the large estates; and, though I was assured that there was an interruption in this process within the last two years, I have been quite unable to ascertain how far the actual figures differ from those recorded on the subject of peasant properties in statistical works recently published.

On the other hand, I was informed that a new proprietor of an estate had succeeded in extinguishing, by purchase, a number of adjacent peasant holdings, and incorporating them with his other property.

On the whole, I found that in some parts of Posen there were more frequent changes of property in land than I had seen elsewhere, and only in those localities where the Polish peasants had succeeded in maintaining their position and preserving intact the original properties held by their fathers at the time of the cessation of feudal burthens were such an exception. It would require a more protracted visit to different parts of the province, and more extensive inquiries to ascertain how far these changes have affected particular localities.

From a general impression produced on me by the visit I paid to a few farms, and by the accounts communicated by many persons with whom I came in contact, I am disposed to think that, though the farming and breeds of cattle and sheep on estates are quite equal to the state of things in other provinces, the condition and cultivation of peasant properties and the breed of their cattle is, though progressing, still inferior.

The Polish peasants are known for their prejudicial adherence to old habits, and they are slow in adopting implements or new modes of cultivation, to which their want of capital is an additional obstacle.

The speculation in land, which is going on in some parts of Posen, cannot be favourable to permanent improvement. Hebrew money-lenders are to be found in small towns ready to lend at a rate of interest beyond that which agricultural improvements can repay, and many a peasant who has been tempted to have recourse to this sort of expensive credit, ends by disposing of his freehold.

The increase in the live stock of the province will appear from the following Table :—

	1816.	1831.	1867.
Horses	74,739	115.719	195.283
Horned cattle	272,729	385,461	499,831
Sheep	796,114	1,666,220	2,922,424
Goats	521	2,665	39.011
Swine	127,092	180,900	345.668

The same desire to preserve their holding undivided to one of their offspring exists in Posen as elsewhere in these provinces; but it happens oftener here that the means of carrying out this wish are wanting.

Thus in the circuit of Schitelberg there took place—

Year.	Subdivisions.	Of these among Heirs.
	Total.	Heirs.
1865	295	25
1866	283	39
1867	278	10

In the circuit of Meseritz the number of changes of property of this kind ("dismembration") reported, was 1,164 during eight years, from 1860 to 1867, or an annual average of 145. No further particulars are given in these cases.

I have heard no complaints made on the subject of the increase of first-class holdings. The public authorities view such an increase of this class of ownership with favour. It is only the augmentation of second-class holdings, especially when these consist of only two or three acres, as was reported lately of some new ones formed in the circuit of Krotoschen in this province, that the subject is mentioned with regret. On the whole, the distribution of land among a numerous class of peasants proprietors is quite popular in this country, and the non-existence of any tenancies on the English system leaves no room for comparison.

British Consulate, Dantzig, January 13, 1870.

No. 11.

Mr. Morier to the Earl of Clarendon.—(*Received January* 20.)

My Lord, *Darmstadt, January* 15, 1870.

I HAVE the honour to transmit herewith the inclosed paper of answers to the queries respecting Land Tenure contained in the inclosure to your Lordship's Circular despatch of the 26th of August, 1869.

The Grand Duchy of Hesse presents agricultural features of considerable interest:—

1. It is a country of small proprietors, with just a sufficient number of large farms interspersed among these small holdings to facilitate a comparison between the results of the two systems of cultivation.

2. Small as is the area of the Grand Duchy, the conditions under which the peasant cultivates the soil he owns are of the most varied kind, and offer the greatest possible contrasts both as regards natural advantages and disadvantages, and as regards the historical antecedents which affected the tenures of the peasantry prior to their emancipation.

3. The agrarian legislation of the Grand Duchy during the present century is worthy of special notice, owing to the large and liberal principles upon which the commutation of feudal services and dues was effected. The law of 1836, by which these services and dues were commuted into rent-charges, and the State undertook to advance to the lords of the manor a capital sum equivalent to eighteen years purchase of this rent-charge, established the precedent which was afterwards copied by nearly all other States in Germany, and which, in 1850, was applied upon an unusually large scale in the rent banks founded in Prussia.

4. The system of land registration, and of the transfer and mortgaging of land connected therewith, enjoys a deservedly high reputation for its efficacy and cheapness.

5. Lastly, the system of agricultural instruction, and the methods employed for diffusing agricultural information and a knowledge of the best modes of cultivation amongst all classes of the peasant population, are excellent of their kind, and well worthy of attentive consideration.

Under these circumstances I have thought it consistent with the instructions contained in your Lordship's Circular despatch to do more than merely answer the queries furnished to me, and to treat at some length of the topics above enumerated.

I regret, however, that, bulky as are the proportions which my Report has in consequence attained, I have not yet succeeded in bringing my inquiry to a conclusion. Many of the most interesting details in connection with the "petite culture" of the Grand Duchy have not yet been furnished me, and will require some time for their preparation. My personal inspection of the large farms, with which I was desirous of comparing the peasant holdings, has been interrupted by an attack of indisposition. Lastly, the system of agricultural education in the Grand Duchy deserves a fuller treatment than I have as yet been able to bestow upon it.

Fearing too great a delay, I have forwarded my Report in its present shape, hoping, before long, to be able to supplement it with information on the points in which it is still deficient.

I have, &c.
(Signed) R. B. D. MORIER.

Inclosure in No. 11.

Report by Mr. Morier on Tenure of Land in the Grand Duchy of Hesse.

Name of Country.—Grand Duchy of Hesse.

Population.—823,138 (3rd December, 1867).

Religions.—Protestants, 558,595; Catholics, 228,084; other Christian Sects, 4,192; Jews, 26,055. This was in 1864. The population has since slightly decreased, in consequence of the cessions to Prussia in 1866.

Industrial Pursuits.—Offenbach, Mayence, and Worms are the principal manufacturing centres. Offenbach is celebrated for its leather small wares; Mayence for furniture and morocco; Worms for stamped leather fabrics.

Agrarian Legislation of Hesse during the present Century.

6, 7, 9, 10, *Miscellaneous.*

I have grouped the foregoing questions together because they can best be answered collectively by a general survey of the agrarian history of the Grand Duchy of Hesse during the present century.

The distinguishing characteristic of that history, in common with that of every other German State during the same period, is the transition from the forms of feudal tenure and mediæval agriculture to those of undivided land ownership ("allodial"* ownership), and individual in contra-distinction to joint cultivation.

The two features connected with these mediæval forms, which it is necessary to bear in mind for the purposes of the present inquiry, are the relations in which the manor ("Frohnhof," "Salhof," "Curtis Dominicalis," in modern phraseology "Guts Herrschaft") stood to the tenants of the manor, and those in which the latter stood towards each other and towards the soil occupied by them.

I. The manor, with its combination of public duties and private rights, constituted the political and economical unit of mediæval rural society. The origin of these duties and these rights cannot be inquired into here, but it is of importance to note some of the peculiarities which distinguished the German mediæval manor from the English mediæval manor. In both there was the radical difference between "demesne land" and "tenant's land." In both the "demesne land" was sometimes intermixed with

* The word "allodial" plays so important a part in German agrarian legislation, whilst, on the other hand owing to the complete feudalization of the soil in England, as the result of the Norman Conquest, it has so entirely disappeared from our own vocabulary, that it seems necessary to determine its exact signification. "Alod" and "Feod," "allodial," and "feudal," stand opposed to each other etymologically and historically, the former as connoting full, entire, undivided ownership, the latter, divided and restricted ownership. They were originally the Teutonic equivalents for the Roman ideas of "Dominium" and "Possessio," and, amidst the innumerable political and social ideas that have since become associated with them, this original meaning of "full possession" and mere "usufruct possession" can be clearly traced.

the "tenant's land" and cultivated jointly with the latter, sometimes separate from it and administered directly from the manor by a bailiff, or let out in farms. In both the tenants rendered services and paid dues in kind, or money, sometimes in both, to the lords of the manor. In both the tenants were under the jurisdiction of the Manorial Court (Court Baron, Court Leet, Customary Court, "Patrimonial Gericht"). In both the pasture was used by the lord and the tenants.

In England, owing to a variety of circumstances, and principally to the violent but systematic and simultaneous introduction of the feudal system, a large proportion of the tenants rapidly fell into a state of villeinage, but emerged almost equally rapidly, though almost imperceptibly, from this state as far as it affected their persons. The broad distinction between freedom and unfreedom remained, however, imprinted on the soil, and became stereotyped in the tenures known as freehold and copyhold, forms sharply opposed to each other, and with no connecting links between them.

In the same imperceptible manner the jurisdiction of the manor gradually fell into desuetude, and merged in that of the Royal Courts. Lastly, in accordance with the feudal rule, "nulle terre sans Seigneur," the pasture, which it can hardly be doubted was originally in England, as in every other Teutonic community, the joint or common property of the lord and the tenants, was ruled to be the property of the lord, and considered as waste of the manor, the tenants retaining only rights of usufruct therein.

In Germany, owing to the comparatively gradual growth of feudal institutions and to the variety of political circumstances under which they were introduced into the different parts of the Empire, the change from free to servile occupation took place by slow degrees, and the earlier forms of occupation retained their vitality for a far longer period, thereby permanently affecting the agricultural history of the nation.

At a time when the larger proportion of the tillers of the English soil were "adscripted" to the glebe the majority of the German agricultural population were free proprietors, whose civil and political rights were, in theory at least, equal to those of the most powerful barons. Of the remainder, a large proportion were in a dependent state betwixt freedom and unfreedom, the so-called "Liti" or "Laten" (afterwards "Hörige"), and constituted a middle class which profoundly influenced the future incidents of land tenure. The class absolutely servile, or slaves properly speaking, formed probably but a small proportion of the entire population.

But if, on the one hand, the change from freedom to unfreedom was slow, it was on the other hand, all the more permanent and indelible. As late as the thirty years' war the number of free allodial peasants was considerable. At the close of the last and the commencement of the present century villeinage, though widely differing in its character in different parts of Germany, was the almost universal rule.

One result, out of many which flowed from this difference of development, was, that instead of the one broad distinction between freeholds and copyholds the mediæval tenures of Germany shaded off into every conceivable variety between the two extremes of free and servile.

The jurisdiction of the manor, instead of imperceptibly wasting away as in England, shaped itself into definite form, and the "Patrimonial Gericht" became a court of first instance for the rural population. It is, however, of importance to note that in the smaller territories, which during the later centuries of the Empire were gradually consolidating into sovereign States, a transition similar to that which marked the early period of English history took place, but by a converse process. In England the manorial court was absorbed by the Royal courts; in the smaller territories the manorial court grew into the territorial court.

Lastly, the pasture, which was in England ruled to be an appurtenance of the manor, retained in Germany, in a majority of cases at least, its original character of common-land owned "de indiviso" by the lord and the commoners.

II. The feature which next to the manor it is of most importance to note in connection with German agriculture past and present is the "Gemeinde," or "Commune," in which the agricultural population is associated. Correctly to appreciate this institution it would be necessary to go back to prefeudal times and to examine the constitution of the early Teutonic communities which colonized the soil of Germany previous to the conquest of the Roman provinces, a task incompatible with the limits of this paper It must therefore suffice to state that from the earliest times until now the actual cultivators of the soil have been associated in corporations or "commonalties," the members of which hold land in common, and are united by common duties and common rights. The manor in its dealings with its tenants having, in consequence, invariably found itself face to face not with isolated individuals but with a corporate body.

The constituent parts of the "Gemarkung," *i.e.*, of the territorial district corresponding to the "Gemeinde," were invariably the following:—

The common pasture, the arable land, and the holding in the village or township in which the commoners were domiciled.

The common pasture (except in the minority of cases in which the original community was settled on demense land) was held "de indiviso" by the commoners and the lord of the manor. The arable land was held partly individually, partly in common by the community. The tenement in the township, with its garden and appurtenances, was always held individually.

The distinguishing peculiarity of mediæval agriculture in connection with these village communities consists in this: that although the arable land was held, in part at least, individually, *i.e.*, so that each commoner had so many acres in the so-called arable mark (which he originally owned as his "alodium" and afterwards held from the lord of the manor), yet the cultivation of the arable land was the joint work of the community, and strictly controlled by the common rights of the associates.

The mode of cultivation was almost universally that of the so-called three-field system ("drei felder-wirtshaft") or two crops and a fallow system. The entire arable land of the township was divided into three great fields ("Campi, Fluren"), in which a regular rotation of crops and fallow succeeded each other, each field, for instance, bearing one year wheat, the next year oats, the third year lying fallow, so that two-thirds of the arable land was always under crops and one-third in fallow. There is no doubt that in early times when agricultural implements were clumsy and expensive, and required a much larger amount of team power than later (five and six yoke of oxen for instance not being an uncommon team for a mediæval plough), the actual cultivation was carried on jointly, so that the number of ploughs owned by a community was less than the households composing the community. In time, however, this ceased, and each household cultivated its holding on its own account; but, owing to the rights of pasturage which the commoners had over the fallow and stubbles, the obligatory crop rotation continued. For it stands to reason that the right of the community to turn out its cattle during the whole year on the fallow of one field, and during a given portion of each year on the stubbles of the remaining fields, would have become illusory unless the same crop had been simultaneously sown and simultaneously reaped on the whole of each field.

One of the most mischeivous results of this rude form of agriculture, and one with which German legislation has not yet successfully dealt, consists in the excessive parcelling of the peasant properties, *i.e.*, of the property held by each peasant. The cause is obvious. When the arable land of a community was originally distributed amongst the associates, the lots assigned to each were equal; but, to prevent the indvidual associate finding himself once in three years with the whole of his land lying forcibly fallow, which would have been the case if it had lain in a single block in one of the three fields, he received his lot in three parcels, *i.e.*, one parcel in each field. Now, if we suppose that in a given community seventy-five acres was the size of the original allotment, each household would in the first generation have had twenty-five acres in each field. Let us suppose one of these allottees to have 3 sons, amongst whom he divides his property equally In the second generation each of these three sons will own 25 acres in 3 parcels $8\frac{1}{3}$ acres each, in all 9 parcels. If we suppose these 3 sons to marry the 3 co-heiresses of another allottee, the 3 households in the second generation will find themselves possessed of 18 parcels distributed in every conceivable direction over the 3 fields. It is easy to imagine what in the course of a few generations this subdivision would amount to. As long as the cultivation in common continued, and the same crops were raised in each field, the subdivision did not so much signify. For whilst the same kind of work, manuring, ploughing, sowing, harvesting, was going on simultaneously on every part of the field, the individual allottee found no difficulty in reaching his parcel, and required no road to take him to it. It is only since the common rights of pasturage, and with them the compulsory cropping, have ceased, that the inconvenience to all parties has been felt, and that the right of way amidst heterogeneous cultivations of the several parcels has become an intolerable nuisance.

This sketch will, it is hoped, suffice to render the outlines of the agrarian legislation of the Grand Duchy of Hesse during the present century intelligible.

The Grand Duchy, as at present territorially composed, consists of the ancient patrimony of the Landgraves of Hesse, and of the parts thereunto annexed by the Act of the Confederation of the Rhine, and other treaties connected with the territorial changes in Germany at the commencement of the century.

The ancient patrimony, *i.e.*, the greater portion of the present provinces of

Starkenburg and Upper Hesse, may be looked upon as originally an aggregate of manors collected under a chief manor (an "Honour," as it was anciently termed in England), whose lord, in addition to his manorial rights and manorial jurisdiction, had succeeded in possessing himself of the territorial jurisdiction and territorial dominion ("Landeshoheit," "Territorial Herrschaft"), which, in the anomalous constitution of the Empire formed the stepping-stone to the full rights of sovereignty, which were only acquired after the Empire itself had fallen to pieces. These manors were intersected by other manors, each with its own jurisdiction (patrimonial gericht), but standing under the territorial jurisdiction of the Landgrave of Hesse.

Hence when the present Grand Duchy was constituted, a large portion of the rural inhabitants of the old provinces stood to the Grand Duke in the double relation of tenants and subjects; but it should not be forgotten that for many previous generations the features of the feudal manor, as far as the Landgravine possessions were concerned, had gradually faded away, and been replaced by those of the modern state. The feudal baron had changed into the fiscus, the private demesne into State domain, the mediæval bailiff into the uninformed State employé.

It should also be noted that unlike many other parts of Germany, especially in the eastern provinces of Prussia, in which each peasant community, gemeinde or commune, had a separate manor, and therefore separate demesne land, which the members of the commune were forced to cultivate, corresponding to it, a vast number of the peasant communities of the Grand Duchy did not stand in this personal relation to a local manor. Partly from their having been originally free communities, who had surrendered their allodial rights and only paid fixed dues, partly from the original demesne lands having been let out in permanent tenures, these communes, though under manorial jurisdiction, exercised by the employés of the Government, only paid fixed money dues, and enjoyed considerable rights of self-adminitration.

The parts annexed were very variously composed. The Rhine Province, which was only acquired in 1815, having for several years been under the domination of France, had participated in the legislation, which made a *tabula rasa* of all mediæval and feudal land tenures. The acquisition of territory made in the two original provinces consisted, on the other hand, mainly of territories belonging to territorial lords whose status in the Empire had been the same as that of the Landgraves, and who, therefore, had not only exercised manorial rights over their so-called subjects but the more extended territorial jurisdiction above referred to. Many of the territorial rights and privileges of these mediatized princes and counts were stipulated for in the treaties by which they became subjects of the Grand Ducal Crown.*

Up to the year 1820 the State thus composed was ruled absolutely, and the laws were proclaimed in the shape of Grand Ducal Edicts. From that date the country has had a Constitution, and the laws enacted have passed through the ordeal of a Representative Chamber and an hereditary Upper House, which latter, it should be noted, contained the mediatized princes and counts, and the other territorial magnates of the Grand Duchy.

The agrarian legislation may be said to begin in 1811, and to close in 1849.

It had, as in every other State in which feudal land institutions have existed, four great objects to accomplish:—

1. Abolition of villeinage in so far as it affected the personal status of the villein.

2. Commutation of feudal services and dues into fixed rent charges.

3. Abolition of villein and other feudal tenures, and substitution in lieu thereof of undivided (allodial) ownership.

4. Regulation of common rights with a view to unrestricted individual cultivation.

I. Villeinage in Hesse, as well as generally in the centre and south of Germany, had always been of a mild character. It consisted, at the time of its abolition, by the Edict of 25th of May, 1811, solely in personal dues, *i.e.*, in dues paid by the villeins to their lords irrespectively of any land held by them. These dues were made redeemable by a capital payment spread over a certain number of years. In the "Domaine Lands" this operation was completed more rapidly than in the "Sovereignty Lands," by reason of the large remissions made by the Crown.

* In the official phraseology of the Grand Duchy these mediatized territories are styled "Sovereignty Lands," to express that the Grand Ducal Crown had obtained Rights of Sovereignty over them without the territorial rights of their owners, having, on that account, altogether merged, or the owners themselves become altogether assimilated to, the former subjects of the Landgrave of Hesse. The status of the mediatized was determined by the Treaties which created the Germanic Confederation. To distinguish the new "Sovereignty Lands" from the old possessions of the Landgravine House the latter were termed "Domaine Lands" (Domanial Länder).

II. The commutation of feudal services and dues into rent-charges, and the redemption of those charges was a labour on which the Legislature of the Grand Duchy was incessantly employed up to the year 1848.

The dues and services to be commuted were of every imaginable kind, and it required in many cases toilsome antiquarian research to distinguish and decide what was their true character. For the manor having had partly a public and partly a private origin, and in addition to this the Sovereign of the Grand Duchy standing in regard to a large portion of his dominions in the double capacity above referred to of a Lord of the Manor and of the Head of the State, it was in regard to the fiscal services and dues extremely difficult to separate the services that had been rendered and the dues that had been paid as public taxes from those which were of the nature of rights flowing from private property.

The general principle laid down was, that all such services and dues as could be proved to have had a public origin should be abolished without compensation, existing taxes being considered in the light of equivalents.

It was possible to carry this principle out in the domaine lands, but the mediatized having resisted its application as a breach of the treaties by which they were annexed, had to be compensated out of the public exchequer.

The services and dues to be redeemed fell into two great categories. 1. Those which burdened land owned by the persons who redeemed the services and paid the dues, such as tithes and other servitudes in every conceivable variety. 2. Those which represented the *bonâ fide* rent of land, held by the owner of the "dominium directum."

Owing to the great variety of tenures alluded to, it was often a nice point of law to determine in whom the ownership resided, and in what case the services and dues represented a mere charge on an estate, or a rent implying rights of ownership in another.

After many enabling statues had been passed to facilitate the commutation of fixed and unfixed services and dues of every kind into rent-charges, a great law was passed on the 27th of June, 1836, by which all rent-charges already in existence, or to be created by the enabling statutes referred to, could be made compulsorily redeemable at the instance of the rentee or the rentor.

The services and dues belonging to the second category, *i.e.*, charges of the *bonâ fide* nature of rent were not included in this statute, unless the parties *mutually* agreed to commute them first into rent-charges.

The exceptionably favourable conditions under which these rent-charges were made redeemable by the law of 1836 had their origin in the fact that large sums of ready money had accumulated in the hands of the Commissioners for the Extinction of the Public Debt, which it answered their purpose to lend out at small interest.

Making due allowance for these exceptional circumstances, the general principles involved in the measure may, nevertheless, be considered as based upon the two following economical considerations. 1. That where its finances are properly administered, the State, as representing the sum total of the credit of all its members, can borrow money more cheaply than its individual members can. 2. That by means of its ordinary administrative machinery, the State can collect rents and enforce their payment more cheaply than the individual.

These two sources of saving furnish the sinking fund, from which, without paying more than the ordinary rate of interest, the rentee can, in a comparatively short period, refund the capital with which the rent-charge has been bought up. The principle of the Hessian law of the 27th June, 1836, supplied, I believe, the precedent afterwards copied in every German state where similar feudal charges had to be extinguished, and which by means of the so-called rent-banks was applied on a large scale in Prussia in 1850.

The following are its main features:—

The State pays to the rentor a capital sum equivalent to 18 years' purchase of the rent-charge, and becomes the rentee's creditor for that amount, charging 3 per cent. as the interest on the capital paid, and 1 per cent. towards the amortization of the capital, which, at compound interest, extinguishes the debt in 47 years.

The calculation is based on the following data:—A, the rentor, receives from B, the rentee, a yearly rent of 100 florins.

Out of this income it is calculated that he pays 22 florins a-year in public and communal taxes, and that the cost of collection, arrears, &c, represent a further deduction of 6 florins, leaving him a net revenue of 72 florins, or 4 per cent. on 1,800 florins, *i.e.*, on the 18 years' purchase of the rent-charge.

When the State has paid these 1,800 florins to A, B discharges his debt by the following yearly payents :—

	Florins.
3 per cent. on 1,800 florins	54
1 per cent. sinking fund	18
3 per cent. on rent charge as cost of collection and bad debts	3
	75
Add to this the taxes formerly paid by A, now paid by B	22
Total	97

By this operation, B paying 3 per cent. less than he did before, extinguishes his rent-charge in 47 years, and A gets indemnified in the full value of his property.

III. It would be an impossible task to classify within the limits of this Report the various kinds of tenure by which the peasants of the Grand Duchy held the lands occupied by them; and it would require very extensive legal and historical knowledge accurately to explain the points on which German and English mediæval land tenures differed from each other. I can only refer to the statement made in the introduction, to the effect that between the two extremes of free and servile tenures there were in Germany almost endless shades of difference. The feature common to all is the double ownership, the "dominium directum" and the "dominium utile;" the diversity lies in the amount of proprietary rights with which the "dominium utile" invested the tenants.

In two important incidents, however, the peasant tenures, of whatever kind, resemble copyhold tenures, viz., first, in being agricultural tenures; and, secondly, in the grant being made by the Manorial Court, and subject to its jurisdiction, and not by the Lehnhof, or Feudal Court proper, which had jurisdiction over knight's fees. I have, therefore, no hesitation in classing them, *mutatis mutandis*, with copyholds.

The two kinds of tenure which in the Grand Duchy differed the most from each other were the tenures which, by the introduction of the civil law into Germany, had assumed the character of the Roman "emphyteusis" (Erbzinsgüter, &c.), and those known under the names of "Erbleihe" and "Landsiedelgüter."

In the former, the overlord's rights were reduced to a minimum, and the tenant's raised to a maximum, the tenant being able to devise and alienate as he pleased, and the overlord, having a right only to a fixed charge (kanon) on the estate, very much less valuable than the agricultural rent of the holding. In these tenures the ownership was considered, for practical purposes, as residing in the tenant.

The "Erbleihe" partook more closely than the English copyhold did of the character of a fief, and was, in fact, a kind of agricultural fief, the generic term for this kind of tenure being "Bauern Lehn," or "peasant's fief." They were held by grants similar to those by which German knights' fees were held, with the difference that agricultural services and dues took the place of military services. As far as I can ascertain, there was nothing in these grants to indicate the personal status of the grantee. Villeinage was a local* or personal incident apart from the grant, and which, as before stated, was abolished separately. Grants of the kind, under consideration, were made indiscriminately to villeins and freemen, and the services and dues contracted for were irrespective of those which flowed from the personal status of the grantees.

The distinguishing features of the "Erbleihe" and "Landsiedelgut" were 1st. That the grant had to be renewed in every case in which there was a change in the person of the lord or the tenant, and that a fine was paid upon such renewal. 2ndly. That the rent was fixed and could not be raised. 3rdly. That the grantee could not mortgage without the grantor's consent. 4thly. That the holding was transmitted by inheritance in a direct, but not not in collateral lives. The heir must be the legitimate child of the grantee, but not necessarily a male child or his eldest child, and he or she must inherit the entire holding, which cannot be sub-divided. Failing direct issue the holding reverted to the lord of the manor. 5thly. That before the renewal of the grant the heir must commute with his co-heirs in respect of their share of the paternal estate, and the latter must expressly renounce all claims on the holding. 6thly. That the holding cannot be alienated without consent of grantor, who receives a fine (laudemium) equal to 5 per cent. of the proceeds of the sale when such consent is given.

As in every other circumstance connected with this transition from the feudal to

* A man was a villein either by birth or by being domiciled in a commune in which, as the judicial phrase ran, "the air was villeinous" (Die Luft leibeigen war); a freeman settling in a villein village became a villein.

the modern forms of land occupation, the Grand Ducal Government, with the aid of the Lower Chamber of the Hessian States, took the initiative and met with the determined resistance of the Upper House.

Soon after 1820, regulations were framed under which fiscal tenures belonging to the class of Erbleihe could be commuted into fixed rent charges, afterwards redeemable by the law of 1836. The attempt made to pass a general law extending the operation of these regluations to non-fiscal tenures repeatedly failed. Bills introduced and passed unanimously by the Lower House were unanimously rejected by the Upper House, and it required the pressure of the events of 1848 to break down this opposition. Out of these voluminous and tedious negotiations, I will select two passages, which in an especial manner characterize the respective attitudes of the two parties opposed to each other, parties that might be described as the party of the "Modern State," and the party of "Vested Interests."

In introducing a Bill for the commutation of fiscal rent charges in 1820, the Government-Commissary said, that for the present the Government meant to deal only with fiscal property, not but that they considered themselves, in conjunction with the Chambers, perfectly competent to make laws for the transformation of the forms of private property if the general welfare of the community required such laws.

In 1832 the Upper House, in rejecting the Bill for the commutation of the "Erbleihe" tenures, used the following argument:—

The Bill, though ostensibly based on the same principles as the law by which tithes had been commuted into rent charges, viz., the removal of burdens on real estate, and the restoring to the owner full proprietary rights, in reality proposes a course directly opposed to these principles. The real proprietor is the overlord *i.e.*, the owner of the "dominium directum", whose property is burdened by the tenant's rights; and instead of proposing to commute these latter rights, and thus returning to the proprietor his individual ownership, it proposed to buy out the proprietor, and hand over his estate to another, which is clearly an attack upon rights of property.

The law of the 6th of August, 1848, for the "Allodification" of "Erbleihen" and "Landsiedelgüter" at last brought the long controversy to a close.

By this law it was enacted that tenures of the kind I have described as partaking of the nature of the Roman "emphyteusis," viz., "Erbpacht" "Erbzinsgütër, &c., should be commutable under the general law of the 27th of June, 1836, for the commutation and redemption of Rent Charges, but that tenures of the nature of Erbleihe should be treated as follows:—

Every grantee shall have a right to demand commutation in every case where the reversion to the grantor is barred by at least two lives besides his own, *i.e.*, in every case in which he has two children alive, or one child and a grandchild, &c. (The law does not apply to grants in which reversion is stipulated for after a definite number of generations).

The transmutation into allodial ownership can be effected in three ways at the option of the tenant.

Either by—

1. The payment of a capital sum equivalent to the value of the fixed and variable dues (viz., the rent, whether in services or money, and the fines on renewal of grant at grantor's or grantee's death), and to that of the rights of ownership as such:

Or by—

2. Converting the fixed and variable dues into a fixed rent charge under the provisions of the law of 1836, and similarly commuting the rights of ownership as such, and making these into an additional rent charge.

Or by—

3. Buying up the rights of ownership as such, and leaving the dues only as a fixed charge on the estate.

The rights of ownership, as such, are defined to be the rights of reversion, the fees paid for clerical work in drawing up the grant, and the fines paid on the sale of the property.

The fines paid on revewal of grant are classed amongst the variable dues.

The dues are redeemable by a capital payment equivalent to eighteen years' purchase.

The rights of ownership, as such, are redeemable by one-tenth of the value of the fee-simple of the estate.

IV. The Law of September 7, 1814, and the subsequent legislation of 1849, dealt with the "common" rights, which stood in the way of individual cultivation. Nothing

could exceed the intricacy of these rights, and a separate treatise would be required to give an approximately correct picture of the work that had to be done and of the way in which the legislation did it.

It must suffice to say that the object of the laws referred to was to disentangle the cross servitudes and easements which the peasant communities possessed in the demesne lands of the lords, and those which the lords possessed in the common lands of the peasants, as well as to separate and regulate the common rights which the peasants enjoyed "de indiviso," and those they claimed on each other's land. The object of these laws was that every landed proprietor, whatever the size of his property, should be able not only to dispose of it freely, which was the object pursued by the other laws we have been discussing, but freely to use it whilst in his possession without let or hindrance from the concurrent rights of third parties. I may add that at one time the Government encouraged the division of common arable lands, and the appropriation of these lands by the individual households of the commune, but that it was dissatisfied with the results thus obtained, and has since, in virtue of its right of supervision over the communes, discountenanced these appropriations except under exceptional circumstances.

From the above it will appear that the creation of freeholds has been enforced by the legislature upon a very large scale, that the Government has taken steps to increase the number of owners, that the system adopted for this purpose is still in force, that compensation has been granted to proprietors for such limitation of proprietary rights, that assistance by law and by public credit has been given to tenants in their endeavours to become proprietors of their holdings, and that such endeavours have been general.

For the answer to the specific question with regard to tenures resembling copyhold I must also refer to what precedes.

I classed, for the reasons there given, all the mediæval peasant tenures which the Grand Ducal Government has made such efforts to extinguish, and to replace by full rights of allodial ownership, in the category of copyholds.

How far the irremovableness of the tenants who held by the tenures which I described as partaking of the nature of the Roman "emphyteusis" was the result of custom, of judicial decisions, or of the latent ownership which adhered to the holders of the tenant's land of a manor as distinguished from the demesne land of the manor, is a question which belongs to the most recondite branch of mediœval jurisprudence, and upon which I will hazard no opinion. It stands to reason, that in the face of legislation such as I have described no such kinds of tenure are in the process of formation. The one ruling idea of the agrarian legislation, not of Hesse only but of every part of Germany during the present century, has been to extirpate double ownership, and to substitute in lieu of it full unhampered rights of allodial possession.

Land Occupation.

The area of the Grand Duchy comprises 3,065,739 Hessian morgen.* These are distributed as follows:—

	Hessian Morgen.	
Arable land	1,531,556	50
Meadows and pastures	402,933	13·1
Vineyards	39,744	1·3
Forest	959,873	31·3
Total of productive land	2,934,106	95·7
Hofraithe (*i. e.*, buildings, agricultural establishments, &c.)	16,528	0·5
	2,950,634	96·2
Land untaxed, *i. e.*, quite unproductive	115,105	3·8
Total	3,065,739	100

A very large proportion of the forest is owned by the Crown, and by the large proprietors, viz., the mediatized princes and counts, &c. The greater part of what remains is owned as corporate property by towns or rural communes. A very small proportion only is the individual property of peasant proprietors.†

* The Hessian morgen is exactly equal to a quarter hectare, and is rather less than two-thirds of an English acre; 162 morgen being equal to 100 English acres.

† The forests of the Grand Duchy are, as regards their cultivation, all of them directly or indirectly under the control of the State. They may be classed in four categories:—

Those belonging to the State as domain. 2. Those belonging to the communes. 3. Those belonging to

I have been unable to obtain exact statistical information as to the proportions in which the arable land and the meadows and vineyards are distributed amongst the different classes of proprietors, but as far as I am able to infer from only approximately correct data, and those not of a recent date, I am inclined to estimate the amount of arable land, cultivated in large consolidated farms of from 200 to 1,200 morgen, at about 100,000 morgen. If we add to this 100,000 morgen more for small properties included in the nexus of the peasant community, but not, properly speaking, belonging to the peasant class (and this is probably too large a margin) there would remain more than 1,300,000 morgen of arable land, with a corresponding amount of meadow land and vineyards in the hands of peasant cultivators, either as proprietors or farmers. What proportion of the land so cultivated is owned by peasant proprietors, and what proportion is merely farmed, I have been unable to ascertain exactly, but I believe that at least two-thirds (probably very much more) is owned by peasants either "de indiviso" as communal property, or individually in parcelled estates, or small consolidated farms (so called "Geschlossene Güter).

I think, therefore, that it can be safely assumed that two-thirds at least of the land under cultivation is owned by peasant proprietors, and that thirteen-fifteenths of the arable land is under peasant cultivation.*

The land occupied by tenants is held directly from proprietors, either in large farms by professional agriculturalists, so called "œconomen," or in parcels by peasants, who cultivate them jointly with their own parcels in the fields of village communities.

Subtenancy is regarded as an unmitigated evil; and in the written leases by which all tenancies are now created there is usually a clause distinctly prohibiting sub-letting.

(A.)—Small Proprietors.

In reply to the following questions I shall use the terms peasant proprietors, and not small proprietors, because it is the quality of the property and not its size which affords the distinguishing agricultural characteristics which it is of importance to take cognizance of.

the large proprietors, viz., the mediatized and other of the former great manorial lords. 4. Those belonging to smaller proprietors.

The first and second category are administered directly by the State through the instrumentality of a highly-trained body of forest officials. The communes, though enjoying the entire income derived from their forests, have only a consultative voice in regard to their administration. The Grand Ducal employés who manage them are, however, paid out of the communal exchequer. The private proprietors are not bound to any details of cultivation, and administer their woods by means of their own employés, but they cannot "devastate," *i.e.*, allow the forest to go out of cultivation, and they require the permission of the State before they can disforest.

Small isolated patches under 10 morgen in the case of the large proprietors, and 4 morgen in the case of the small proprietors, are not placed under this State control.

The net income derived from domain forests is:—In the Province of Starbenburg, 6 florins 7 kreusers; Upper Hesse, 2 florins 34 kreusers; Rhine Hesse, 6 florins 39 kreusers per morgen.

The net income derived from communal forests is:—In Starbenburg, 4 florins 37 kreusers; Upper Hesse, 3 florins 42 kreusers; Rhine Provinces, 5 florins 41 kreusers per morgen.

* The most accurate data which have been furnished to me have reference to the State domains, and it is partly from them that I have come to the conclusions in the text.

The public domain comprises 60,854 morgen. Of these 2,501 are still held by hereditary tenures, which, for various causes, have not yet been commuted, 2,516 are held by life tenants, 42,941 are let on leases, and 12,746 are administered directly by the State.

A great proportion of the land held by life tenants, and of that let on lease, consists of parcels distributed in the arable fields of the peasant communities, and is farmed by the peasants. They point to the time when the demesne land and the tenant land was cultivated jointly in the manner stated above. The 12,746 morgen administered directly by the State consists principally of meadows and grass fields, of which the crops are sold by auction before they are cut. The leases of land let in parcels usually run for 9 to 12 years. Those of land let in consolidated farms for 18 years.

The amount of domain land let in consolidated farms amounts to about 8,000 morgen, which, in addition to the 12,000 administered by the State, make up 20,000 (or one-third out of the total of the 60,000), cultivated on a large scale, and according to the rules of the "Grande Culture." The remaining 40,000 morgen are under peasant cultivation either in the form of permanent tenure, or let on lease to the members of the communities in which the parcels are situated.

If we take the proportion of one-third consolidated farms and two-thirds parcels' cultivation as ruling the land owned by the other great proprietors, it would give 300,000 morgen as the amount of cultivated land owned by large proprietors other than the State. Hence, total owned by large proprietors 360,000 morgen. Add to this the 100,000 morgen I have allowed for middle-sized properties, in the nexus of the peasant communities but not owned by persons of the peasant class, and we obtain 460,000 morgen. But the whole amount of cultivated land, *i.e.*, arable land, meadows, and vineyards, is, in round numbers, 1,960,000; there would, therefore, remain the large margin of nearly 200,000 morgen as the property of churches, schools, and other corporate bodies not included in the margin of 100,000 already allowed for. Total of all these items 660,000 morgen, or one-third of the entire cultivated land, leaving two-thirds as the *bonâ fide* property of peasants.

On

The peasant proprietor is member of a rural commune, and the rural commune is at once a private corporation with the rights of a "juridical person," *i.e.*, the right of holding real estate, of suing and being sued, &c., and a public body constituting the administrative unit of the circle. It is termed the "political" commune to distinguish it from the "ecclesiastical" commune, *i.e.*, the parish, from which it is distinct, though usually conterminous with it. It is governed by a Common Council and a Burgomaster, of whom the former is elected by the members of the commune, and the latter is named by the Government from amongst the members of the Common Council. The Burgomaster exercises police authority in the commune; and he, with two or more assessors, also members of the commune and appointed by the Government, constitute the local court (Ortsgericht), whose competency in civil matters extends to such primary functions as fall within the province of notaries public, where that institution exists. If the Government do not consider the Burgomaster possessed of the necessary qualifications to preside, the Local Court they name some other person in his stead.

The peasant proprietor, therefore, has public duties as well as private rights, for he cannot withdraw himself from the obligation to fill such communal offices as may be assigned to him, and those offices imply public duties, such as the collection of taxes, &c.

The Government exercises certain rights of supervision over the private affairs of the community, which, for instance, cannot alienate land without the authorisation of the Government.

The property of the large proprietors, who formerly enjoyed manorial rights, lies either in separate districts outside the nexus of the commune, or is distributed within the limits of such communes. In the latter case it is subject to communal taxes, and the owners are, in matters of police, within the jurisdiction of the communal authorities; but they are not members of the commune, and therefore have no rights of property in the common lands. If the quantity of land owned by a large proprietor in a commune exceeds a certain amount, he has a right to name one member of the Common Council to represent his interests. In many cases, however, the communes have retained right of pasturage and other easements in the forests of the former manors.

(A.) 1. The amount of land held by the individual peasant greatly differs, and there are no statistics to enable one to calculate the average.

It is possible, however, to give the limits within which this diversity ranges.

Eliminating the class whose properties are not sufficient to maintain them without having recourse to other employment, either as day labourers or mechanics, and taking the minimum average required fully to maintain the proprietor and his family, the following scale applies to the different provinces.

In Rhine Hesse, which for more than half a century has been under the French law of compulsory division, estates are classed as small when they range from 5 morgen to 25, as middle-sized from 25 to 100, and as large when over 100. Probably but very few *bonâ fide* peasant proprietors over 100 morgen would be found, and the majority, I imagine, fall in the lowest category.

In the Provinces of Starkenburg and Upper Hesse the corresponding classes are, respectively, in Starkenburg, from 6 to 50, from 50 to 200, and above 200.

In Upper Hesse, from 10 to 75, from 75 to 250, and over 250.

In both these provinces, likewise, the highest class must be considered the exception, though probably isolated cases of rich peasants, who have accumulated from 3 to 400 morgen, may occur. In both of them there are the widest differences in the average size of the holdings, according to the locality in which the respective communes are situated. Where the tenures of the "Erbleihe" character prevailed, the holdings, as previously stated, could not be subdivided, and therefore whether they were in parcels or consolidated, their original size, whatever that was, was maintained. But in addition to these there exist in parts of both these provinces many communes whose origin, though I have been unable to trace it, must be of a later date than the old mediœval communes under the "three field" system of cultivation, and in which the holdings have always been consolidated in single blocks, and have, by local custom, been transmitted for generations to one child, not necessarily, though usually the eldest son, with very little regard to the legal rights of inheritance of the remaining children. Many of these holdings are from 70 to 100 morgen, and run side by side in thin parallel strips of exactly equal size, the farmhouses being situated in the centre of the block.

But these are the exceptions to the rule. In the great majority of cases the holdings are dispersed over the arable land of the community in single parcels, intersected by those of other holdings in the way described at page 190. In many

parts of the Grand Duchy the subdivision arising from these causes has reached an intolerable pitch, and various consolidating Acts have been passed for the purpose of remedying the evil. These Acts have, however, only been partially successful, and a new measure is being at the present moment prepared, which it is hoped will prove more efficacious.

In every community in which the holdings lie in parcels, the proprietors live together in a township, or village, for the most part closely crowded together, and with little room for the farm buildings, stables, &c. Such villages or townships, in the days of joint cultivation, were the agricultural centres of the arable "Mark," and could not be extended without encroaching upon property subject to common rights.

Where the holdings are in consolidated farms, the tenements and farm buildings of each proprietor are situated on his farm; but as those communities have usually been settled simultaneously and in a systematic manner, the farmhouses occupy the same place in the same part of each holding, and the character of a village is not lost—only that instead of being closely crowded together, the village presents the appearance of a street sometimes a mile or more in length, the houses of which, surrounded by gardens and orchards, stand some 50 or 60 yards apart from each other.

Peasant Cultivation.

(A.) 7, 8. The modes of cultivation in the different parts of Hesse vary so much, and are subject to such different conditions, that no general statistics respecting crops, stock, &c., would convey any definite idea of the actual wants of the system in force. Under these circumstances the method which suggested itself as that most likely to furnish a correct picture of peasant cultivation, such as it prevails in the Grand Duchy, was to select a certain number of representative communities, and by personal inquiry on the spot ascertain as many facts as I could respecting each.

Commencing with the provinces on the right bank of the Rhine, to which the legislation previously dwelt upon exclusively applies, I shall take the commune of Viernheim as representative of the class of communes in which the peasant cultivator is placed under advantageous circumstances, and in which the marks of general prosperity are everywhere discernible.

It is situated in the Province of Starkenburg, about 6 miles from a station on the Great Trunk Line which connects Central Germany with France and Switzerland, and at about the same distance from Mannheim. It belongs to the class of communities in which parcels' cultivation prevails, and the tenements and farm buildings of the proprietors are consequently collected in a township. This township contains a church, a town hall, a school-house, and 626 tenements.

The number of inhabitants is 4,000. The number of citizens (Bürger)* i.e., of male members of the community who have attained the age of 21, is 1,050. Of these, 300 are employed in factories in the neighbouring towns; 100 work as cigar-makers in the village; 300 work as day labourers; 300 are maintained wholly from the produce of their holdings; and 50 are shopkeepers, employés, schoolmasters, &c.

The area of the communal district comprizes 19,366 morgen, distributed as follows:

	Morgen.
Forest	11,614
Land taken up by the buildings of the village	89
Gardens	117
Arable	6,409
Meadows	596
Roads, &c.	539

The forest is the property of the Crown. There was a long law suit on the subject, the commune claiming it as communal property. The case was finally decided against the commune, which, however, retained very important forest rights. Each citizen being entitled yearly to all the firewood he requires, and to the timber needed for the building and repair of his house and farm buildings, or to an equivalent in money.

Besides the wood, the commune has rights of pasturage in the forest, which, however, except when there is a large crop of acorns, in which case the right is valuable for the fattening of pigs, is of no great advantage. The pasturage is bad, and the demand for manure in connexion with tobacco cultivation renders stall-feeding indispensable.

* Modern legislation, in its dislike to mediæval associations, has rooted up the old historical terms used in ection with the agricultural communes, such as Bauern, Schultheisse. Schöffen, &c., and has replaced them by hrascology used in connection with town corporations, such as Citizens, Burgomasters, Comm[illegible] Councils, &c.

Of the arable land, 100 morgen belong to the Crown, and 212 to the Church and School. All this property is in parcels, and let on lease, parcel-wise, to the citizens.

The common lands (almende*) consist of 2,772 morgen, and 70 klafter,† distributed in three classes. The first class consists of 186 lots of about $10\frac{2}{3}$ morgen each.

The second class consists of 663 morgen 336 klafter, distributed in 180 lots, of an average size of $3\frac{2}{3}$ morgen.

The third class consists of 192 lots, of an average size of 250 klafter ($\frac{5}{8}$ morgen). In all 508 lots.

These lots are assigned to the members of the community, according to the date of their entry in the Civil Register of the commune, so that the older the individual the larger his share in the common property. Whenever an allotee of the first class, or his widow (for the widows, unless they re-marry, have a right to the husbands' lots) dies, the highest on the list of the second class succeeds to his lot, the highest on the list of the third class succeeding to the lot vacated by the latter's promotion to the first class, the highest on the list of the fourth class (a separate class afterwards explained) succeeding to the vacancy in the third class, and the highest on the list of non-allotees succeeding to the vacancy in the fourth class.

It will be seen from this that more than half of the members of the community hold common lands quite irrespectively of their status as proprieters, agricultural labourers, or operatives. Where it does not suit them to cultivate their lots themselves, they find no difficulty in letting them to others.

Besides the "almende," or common lands proper, there are 373 morgen of meadow land, belonging to the Exchequer of the Commune, which are divided into 423 lots; 192 of these lots supplementing the lots of the third class, and raising them to 1 morgen 203 klafter, and the remaining 231 lots constituting a fourth class. These lots, however, pay a small rent, which flows into the Commual Exchequer.

Of the remaining 3,548 morgen of arable and meadow land, about 520 are apportioned in comparatively large properties, viz., one of 200 morgen, and four of from 70 to 100 morgen. The largest of these can hardly be classed as a peasant property, although the owner is a citizen of the community, because part of it consists of the remains of an ancient fief. The four smaller ones are *bonâ fide* peasant properties, but the proprietors of two of them do not, socially speaking, belong to the peasant class. They are men of education, and one of them is a highly scientific agriculturist, who obtained a prize at the Paris Exhibition for the general results obtained by his farming.

If we deduct these larger farms, there remain about 3,000 morgen distributed in properties ranging from 1 morgen to about 30.

From 10 to 20 morgen is the size of the holding considered as capable of maintaining a household according to the local scale of comfort.

From 6 to 10 will maintain a household, but only precariously, and not without great exertions and great prudence. With less than 6, the household requires other sources of income. With more than 20, a household is well off; indeed, if not in debt, very well off, as will at once be seen by the amount of rent for which land lets in the commune, which varies from 25 to 40 florins a morgen. If we take 30 florins as an average, a holding of 30 morgen would yield 900 florins, or about 80*l.* a year as rent, which may be taken as equivalent to the nett profit which, after paying all its expenses, a household ought to be able to clear.

The question as to rotation of crops is one not easily answered, as the great difference in size of the several properties necessitates a corresponding difference in the kind of crop to be raised, and in the mode of raising it.

The crops are divided into so-called mercantile crops (Handels Gewächse) and home crops, *i.e.*, crops raised with a view of being sold to dealers, and consumed away from the locality, and those raised for the purpose of home consumption.

To the former category belong tobacco, hops, wheat, rape, barley for malting, clover seeds, oats, Indian corn. Peas, beans, mangolds, sugar beet, turnips, potatoes, are raised for home consumption by the proprietors and their cattle.

Tobacco and hops are the two most valuable crops, the former being the one which most directly influences the agriculture of the locality. It is highly remunerative in good years, when prices range high; but it is liable to great risks from frost, and also to great fluctuations in value, and it requires considerable outlay in manure and labour.

* Almende, contracted from "Allgemeinde," or "Allen Gemein," *i.e.*, common to all, was originally the generic term for all common lands, *i.e.*, for all land owned, *ab indiviso*, by the community. It is now in Hesse specifically applied to such of the common lands as are apportioned in the manner appointed by local usage or statute to the individual citizens. Common lands not apportioned in severalty, but administered for the benefit of the communal exchequer, are termed "Cassen Güter," or exchequer lands.

† The klafter is equal to 100 Hessian square feet. The morgen is equal to 400 square klafter.

The consequence is, that its cultivation, to a certain extent, impresses a speculative character on the agriculture of the township, which has a bad side as well as a good one. For though the hope of extraordinary returns, dependent partly on more careful cultivation, more copious and more judicious manuring, &c., partly on forecasting the future, and watching international markets, and the like, undoubtedly developes intelligence, and, *pro tanto*, counteracts the spirit of plodding and routine; yet the great ups and downs are apt to engender a spirit of gambling, which intensifies the evils flowing from the natural fluctuations in the value of the crop. It often happens, for instance, that after a favourable season, and when large prices have been realized, fabulous sums are paid for land, either in the way of purchase or rent, and that an amount of land is laid out in tobacco out of all proportion to the remaining crops. Many instances were mentioned to me in which a peasant with 10 morgen applied 5 of them to the production of tobacco, 5 morgen out of 30 being considered the right proportion. A bad year following on a combination of this kind is naturally productive of great disaster.

From 250 to 300 cwt. of stable manure of the value of about 50 florins (4*l.*) is the quantity which, with very high farming, is applied to the morgen of land on which tobacco is grown. The small proprietor would probably not be able to afford as much. If we assume that he applied about one-fourth less we get the following data to calculate his returns.

Average crop per morgen on a small peasant property, about 8 cwt. of good leaves and 1 cwt. of so-called sand leaves, viz., the bottom leaves, which are soiled. Average price in 1868, 13 florins a cwt. for the former, 9½ florins for the latter: total value of crop per morgen, 113½ florins (9*l.* 8*s.*).

Manure, 38 florins (3*l.* 3*s.*); excise duty, 10½ florins per morgen; total, 48½ florins, which would leave 65 florins (or about 5*l.* 8*s.*) per morgen profit; but against the manure must be put the milk and meat which the cattle have produced the meanwhile, and which ought to be at least equivalent to the value of the manure. If the proprietor, therefore, maintains the right proportion in his crops, and only plants as much tobacco as he can manure from the proceeds of his own farm, he clears over 100 florins (between 8*l.* and 9*l.*) per morgen. The danger of planting tobacco on speculation, involving a large previous outlay for manure, bought probably with borrowed money, will, from this, be apparent.

I have not calculated the cost of labour, because I am assuming the case of the small proprietor in which the household furnishes its own labour. Where this is not the case, about 4 florins a cwt. is reckoned the cost of production, exclusive of manure and excise tax. There are certain processes, however, connected with tobacco culture which require a great deal of work to be got through in a short time, such as hoeing, picking, sorting the leaves, &c. At such times, extra hands are required even on the smallest farms, and therefore a proportionate deduction must be made from the net profits.

It stands to reason that a difference of 3 or 4 florins a cwt. in the price of the leaf (this year sand leaves, for instance, are 13½ florins a cwt. as compared with 9½ last year), amounting to between 26 and 30 florins per morgen, affects the yearly budget of the farmer in a considerable degree. But the variations may be infinitely greater. A frost may totally destroy the crop, an exceptionally fine year may double its value and raise the profits proportionably.

As I stated before, there is no regular rotation in force in the community; but the following has been given me as the most rational rotation, where the size of the holding will allow of it, and as one often used:—

First year—Tobacco with very copious manure.
Second—Spelt without manure.
Third—Barley and clover mixed, without manure.
Fourth—Clover (sown the previous year with the barley).
Fifth—Spelt again, with slight manure, stable manure, or liquid manure.
Sixth—Potatoes or beet, without manure.
Seventh—Beet root, with compost manure in the holes into which they are transplanted.

Sometimes in the fourth year instead of clover, lucerne is sown and cropped for six or eight successive years.

There are, for the ensuing year, about 870 morgen under tobacco in the commune, *i.e.* ⅛th of the entire arable land, which would about correspond to this rotation.*

* I should add that the excise tax has only recently been imposed in consequence of a vote of the Customs Parliament, and has naturally excited considerable discontent amongst the tobacco farmers. Of of the most

The following are the average quantities of grain sown and the average results obtained :—

Of spelt, 100 lbs. weight are sown to the morgen. The crop varies from 10 to 15 malters (at 110 lbs. per malter) per morgen, *i.e.*, from 11 to 16½ fold.

Rye, 80 lbs. per morgen; crop, from 5 to 8 malters (at from 180 to 190 lbs. the malter), *i.e.*, about 11 fold.

Barley, 80 lbs. per morgen; crop from 7 to 10 malters (at from 165 to 180 lbs. per malter), *i.e.*, from 14 to 20 fold.

Oats, 65 lbs. per morgen; crop from 10 to 12 malters (at from 120 to 130 lbs. a malter), *i.e.*, from 22 to 24 fold.

With the exception of one steam-threshing machine, which works for hire, but is not largely used by the small farmers, there is no steam agricultural machinery in the commune. There are no mowing and no drilling machines, the sowing being all done by hand. Cutters of various kinds for chaff, turnips, &c., of modern make, are extensively used. The agricultural implements are, all of them, very good of their kind. But one sort of plough is used. It is strong, light, and cheap, and was introduced soon after 1851, being copied from an English plough which obtained a prize at the first International Exhibition in London. Its cost is 13 florins (1*l.* 1*s.* 8*d.*).

The commune possesses 1,030 head of horned cattle (*i.e.*, about 1 to every 7 morgen under cultivation)—of these 750 are milch cows, there being a great trade in milk with the neighbouring town of Mannheim; the rest are dry cows being fatted for slaughter, heifers, &c.—200 horses, from 1,000 to 1,300 pigs, and 500 goats. The cattle is entirely stall-fed. The ploughing is mostly done with horses. The very small farmers plough with cows. Oxen are not used for this purpose. A farmer of from 20 to 30 morgen will keep 4 head of cattle—of which 2 will be milch cows, 1 a dry cow being fatted for sale, 1 a heifer—and 2 horses. In the winter he earns wherewith to buy additional food for his cattle and horses by carting timber.

The standard of living is much the same in all classes of the peasant population, except, that at present, wages being very high, the agricultural labourer lives rather better than the smallest proprietor, who tries to economize on his food, the former only caring to spend his wages.

The tenements occupied by the peasants and their families are all on one pattern. The farm buildings, consisting of a stable and a large barn, in which grain crops and hay are housed (ricks and stacks being unknown), and the tobacco leaves are hung to dry, differ according to the size of the property. The house and buildings are mostly of bricks and slated. Both are remarkable for their great size, which is to be accounted for, partly by the quantity of room required for tobacco drying, partly by the fact that the easement which the commune enjoys in the forest, places abundant materials* at the disposal of the inhabitants.

Every house has a garden in which the young tobacco plants are reared, and the vegetables required for the use of the household are raised. Each house,—even the smallest,—has an oven for baking, and deems it a point of honour to have its own pump.

The rooms consist of one large sitting-room, in which the family lives and takes its meals. Leading out of this room is the bed-room occupied by the father and mother and the younger children. If the family is a large one, it not unfrequently happens that there is a bed in the sitting-room, which is, however, always screened off by a curtain. The grown-up children of both sexes occupy a separate sleeping-room.

The walls of the sitting-room and bed-rooms are painted or whitewashed, and but rarely papered. They are usually whitewashed or re-coloured once in two years. The furniture consists of the necessary tables and chairs; of a large cupboard and wardrobe; a large oblong wooden-box, gaudily coloured, in which the reserve linen is kept; and a glass cupboard in which the crockery, &c., is exposed to view. A large Black Forest clock, hung in a conspicuous place in the principal room, never fails.

The article of furniture on which the greatest amount of luxury is lavished is the conjugal bed, and the great object of ambition is to heap up this bed with a maximum

intelligent of the class, however, observed to me that he believed the tax would not act to the detriment of the tobacco grower, and that the State would clear the proceeds of the tax, or at least a large proportion, without loss to consumer or producer, merely by a more economic adjustment of productive forces. The tax being levied not *ad valorem*, but on the area under cultivation, would act as a premium on the selection of such lands only as were specially fitted for the growth of tobacco. The land less well-fitted for this purpose would be employed in crops, for which it was better fitted, and the desire to reduce the per-centage of the tax on the value of the crop to a minimum would lead to more efficient and more economical cultivation on these best lands.

* The timber for building is no longer furnished *in natura*, the Crown finding it cheaper to give a money equivalent, which enables the peasants to build their houses of brick.

of feather-beds and feather-bolsters. I noticed, at an agricultural meeting, the proud and self-confident bearing of one of the speakers, and was immediately told that he had the highest bed in the commune, and required a ladder to get up into it.

The Viernheim peasant eats five times a day. In the morning, on first getting up, he usually takes coffee with milk and sugar, and eats bread. The parents and younger children each get a small white loaf of wheaten flour, the rest brown bread—half rye, half barley. Where the household is less well off, a soup made of flour and milk and boiled potatoes take the place of coffee and bread. Coffee, however, is the rule.

This is his breakfast eaten at home. He takes to his work with him bread, and sometimes cheese, which constitutes his second breakfast, and is eaten between 8 and 10 o'clock, and on this occasion he drinks a small quantity of corn-brandy. At 12 he returns home to dinner, which consists, two or three times a week, of meat, viz., salt pork and potatoes, and twice a week sauerkraut; in the summer, vegetables and a great deal of salad, dressed with vinegar and rape-seed oil. On Sundays he eats fresh meat, usually cow-beef, first in the shape of soup, then the meat from which the soup has been made. The days on which meat is not eaten the potatoes and vegetables are supplemented by a pudding, of which flour and milk are the principal ingredients, with butter and eggs according to circumstances. In the afternoon he eats his so-called vespers, *i.e.*, bread and coffee, in the summer and autumn fruit in large quantities. At night he concludes with supper, consisting of a soup of milk and flour and boiled potatoes, or potatoes, butter, and cheese, or potatoes and salt meat. The salt pork is cured at home, each family having one or more fat pigs killed in winter, the event being one of much rejoicing, as furnishing the household with an opportunity of eating fresh sausages and other delicacies.* On *fête* days a large cake is baked which it takes several days to consume.

At home he drinks nothing but his daily quantum of corn brandy (about a *gill*, neither very strong nor very palatable), except on Sundays, when he drinks beer; but he often goes in the evening to the public-house and drinks 3 or 4 glasses of beer at 3 kreuzers (1*d.*) a glass. Though in the immediate vicinity of a wine-growing country, he never, except on *fête* days, touches wine.

His clothing is substantial and adapted to the season: in summer, principally composed of linen stuffs; in winter, of heavy woollen stuffs. He wears no national costume, and his dress is of the general nondescript European type.

I heard general complaints of the growing luxury indulged in by the women in the matter of dress, and of their disgracious attempts to follow the fashions.

Much expenditure and long previous preparation are spent on a bride's dowry. She brings to her new home always one, sometimes two, beds and the furniture of one room, or of half a room, according to her means, also the feather-beds for which many generations of geese, who are yearly plucked for the purpose, have yielded the materials. In addition, she furnishes the house linen, and usually a certain amount of linen cloth in reserve. According as she is rich or poor, the feather-beds and the reserve linen are more or less copious.

The amusements of the peasant are not many or varied. Twice a year there is a village feast—on the name-day of the Church's patron saint and after harvest (the commune is a Catholic one). On these occasions there is music and dancing, and wine is largely consumed. The peasant attends these meetings with all his family. There is little demand for intellectual products. Few newspapers and fewer books supply all that is required in this respect. The agricultural society of the province counts but few members in the township, and but little interest has hitherto been shown for the agricultural lecturers who periodically visit the district. Of late singing clubs, in which part-singing is practised and which the younger men attend, have become popular.

The following are the rate of wages in the township:—

Agricultural wages for men, without board (but frequently with the glass of corn-brandy at the second breakfast, given by the employer), 40 kreuzers (13¼*d.*) a-day in summer, 36 kreuzers (12*d.*) a-day in winter. For women, 32 kreuzers (10½*d.*) in summer, 28 kreuzers (9¼*d.*) in winter. Piece work: reaping grain crops, from 1 florin 45 kreuzers (2*s.* 11*d.*) to 2 florins 12 kreuzers (3*s.* 7*d.*) per morgen. Mowing grass from 40 to 48 kreuzers the morgen. Hoeing from 1 florin 30 kreuzers to 2 florins a morgen. With board and lodging, from 80 florins to 140 florins a-year for a man, and for a female servant from 45 to 66 florins.

The workmen of the township employed in factories at Mannheim, to which they

* The staple of his food, however, consists of potatoes and bread, the daily allowance of the latter being from 2 to 3 pounds for a man and from 1½ to 2 pounds for a woman.

walk in the morning, returning home at night (the distance being about 12 miles there and back), earn from 48 kreuzers to 1 florin 12 kreuzers a-day.

The workmen employed in cigar-making in the township work by the piece, and can earn from 3 to 6 florins a-week.

From 6*s.* to 7*s.* a-week, which may be looked upon as the regular agricultural wages of the locality for male labour, does not appear much at first sight, and I was somewhat astonished at the universal complaints I heard of the ruinous height to which wages had reached. If we consider, however, the labourer's other sources of revenue, we shall see that the Viernheim labourer is very well off.

In the first place it must be remembered that female field-labour is quite as much in request as male, and, for some kinds of work connected with tobacco cultivation, even preferred to it. If the labourer is married, therefore, his wife's wages must be added to his own, which would raise the wages of the family to 10*s.* or 12*s.* a-week. Of course there is the time taken up with child-bearing and with household avocations; but, even with these drawbacks where labour is so valuable, most women manage to earn a fair amount of money wages during some portion or other of the year.* There are, besides, the earnings of the children, which, during the tobacco harvest, and afterwards in sorting the leaves during the process of drying, are not inconsiderable. In the next place, with some very few exceptions, the labourer owns the cottage he lives in, with a garden and land enough to raise the potatoes he requires for his family and his pig, and at a comparatively early date, usually between the ages of thirty and forty, he obtains a lot in the "almende." In every case he obtains from the forest all the fuel he requires for firing. If he cannot keep a cow, he at least keeps a goat or two, so that he is housed and warmed, and produces his meat, his potatoes, his milk, and his vegetables, independently of his weekly cash receipts. But this is not all. He need make no provision for the future, for, as he gets older, he rises from the lower to the higher class in the "almende," and is certain in his old age to be in the highest class, that is, to have the usufruct of 10 morgen of first-rate arable land, which, with the help of his children, he can either cultivate himself or let for between 200 and 300 florins.

The operative employed in manufacturing industry is placed in similar circumstances.

Hence the condition of the Viernheimer who works for wages must be considered as a highly favourable one. That of the proprietor of from 10 to 30 morgen is equally favourable. The class least well off is that of the proprietors who have just land enough to occupy their whole time and prevent their working for wages, but not sufficient to leave a margin wherewith to cover accidents. But even this class, as a rule, are well off, for the labour of a household is amply sufficient to produce the requirements of a household, and, like all the other citizens of Viernheim, a proprietor of this class has the prospect of his increasing lot in the "almende." But it not unfrequently happens that the very small proprietor in bad years, or from tobacco speculating, gets into debt, and the absence of margin makes it difficult for him to get out of debt if once in it.

The commune, in its co-operate capacity, is in flourishing circumstances. The value of its property, moveable and immoveable, is estimated at 1,142,709 florins, or close upon 100,000*l.*

The yearly budget of income and expenditure is about 40,000 florins.

Of this only about 1,900 florins (158*l.*) is spent in connection with the relief of the poor. Nor does even this represent the real amount of poverty needing relief, as out of this sum 300 florins a-year are pensions paid out of a fund bequeathed to the local charities, which on the death of the pensioners will revert to those charities. The amount put down in the estimates for the current year, as that which will be required for actual disbursements in the way of relief, is only 25 florins for cases requiring permanent aid, and 1,412 for casual cases. The corresponding average for the ten previous years was 1,325 florins. Of the entire sum set apart for poor relief only 852 florins come out of the communal exchequer, the rest being derived from charitable donations.

I need hardly observe that an able-bodied pauper is a being altogether unknown. I even found some difficulty in describing the sort of person respecting whom I desired to obtain information. The sums expended in relief are either devoted directly to the

* Though the system of pensioning off parents does not exist to the same extent at Viernheim and in the Plain as it does in the Odenwald, it yet often happens that the old people come to some arrangement with the younger generation, in accordance with which they cede their rights of property to the latter in exchange for their maintenance. Owing to this there are in almost every household old people who can look after the younger children, thus enabling the more vigorous women, married and unmarried, to work in the fields.

purchase of medicaments, or to the support of the families of persons disabled from work by sickness or some other temporary cause.

The amount paid out of the communal exchequer for the maintenance of the communal breeding establishment of bulls and boars is 1,892 florins, or more than double the amount of poor-rates.

The yearly expenditure on schools is about 4,000 florins.

In the years 1852 and 1853, the commune contracted a debt of 39,980 florins, to enable 100 families, numbering 600 souls, to emigrate to America. This debt is most of it paid off, the commune having for a period of ten years appropriated the proceeds of the common lands ("almende"), which, had they remained in Europe, would have been apportioned to the 100 families, to the liquidation of the debt.

In reply to the specific question as to the number of labourers per acre, it will appear from the above that in Viernheim there are 600 males, 300 described as proprietors, and 300 as labourers, employed in cultivating about 7,000 morgen, *i.e.*, about 4,000 English acres, or about 1 to every $6\frac{2}{3}$ acres. As quite as many women, however, are employed in field labour as men, if not more, there would be a proportion of about one pair of full-grown hands to every three acres, besides a corresponding number of children.*

Such is the picture of a very flourishing commune, under peasant cultivation, in the fertile plain on the right bank of the Rhine. The land is parcelled, but not in excess, a quarter of a morgen being the smallest parcel, and the usual size of the parcels being from one-half to an entire morgen. The amount of common land apportioned in "almende" is very much above the average, and the easements which the commune owns in the forest are exceptionally valuable. The situation of the township, moreover, from its vicinity to an important town with rising manufactures, is peculiarly advantageous, both as providing a ready market for every kind of produce and as furnishing an outlet for any surplus labour. The general circumstances of the community must, therefore, be taken as peculiarly favourable to peasant farming. My visit having been in winter, when the ground was covered with snow, I was unable to judge of the general appearance of the cultivation; but I have no reason to believe that it differs from that of the surrounding districts in which tobacco is grown, and with which I am acquainted. The very careful cultivation which that plant requires impresses a garden-like character on the country, especially where it is planted in small patches, intermixed with others, in which hops and other valuable products are raised. The appearance of such districts contrasts favourably with the monotonous parallelograms in which grain crops alternate with potatoes, turnips, and clover.

The appearance of the township itself is in the highest degree bright and cheerful. The unusual size and roominess of the buildings have already been dwelt upon and accounted for. They all seemed as if but lately whitewashed, and I could detect no habitation even distantly resembling a hovel: fine large two-storeyed dwellings, with the look of town houses, which struck me by their peculiar neatness and brightness, I found on inquiry to be the property of operatives working at Mannheim.

The farmyards and stables, on the other hand, were not as neatly kept or clean as, from the looks of the dwelling-houses, I should have been led to expect, and very inferior in this respect to the farm-yards of Swiss peasant properties of a corresponding size.

Great care was betowed upon the manure, and each yard had a covered tank, in which the liquid manure was collected, and a pump with which it was pumped on to the dungheap.

The inhabitants had more the look of townspeople than peasants; not but that they were sunburnt and hale, as men employed in out-door work, but that they had that certain indescribable wide-awake expression which can apparently be only given by constant intercourse with one's fellow-men, coupled with a certain variety and many-sidedness of occupation. The town-like character of the village, and the constant business intercourse with the neighbouring large towns, would sufficiently account for this character.

The school children all looked remarkably healthy, well fed and well clothed—the boys in stout cloth jackets, the girls in warm woollen frocks.

* The impossibility of obtaining any satisfactory statistics as to the exact number of labourers and proprietors employed per acre in the cultivation of the soil, is well illustrated in the case of Viernheim. In a sort of rough way, out of the 1,000 citizens, 300 are classed as proprietors, 300 as labourers; but, from the description above given, it will appear not only that these two classes are constantly encroaching on each other, but that the greater number, if not the whole, of the operatives belonging to the township, either themselves in their spare hours, or by means of their families, are partially occupied with the cultivation of land.

The most vivid impression which I carried away with me from Viernheim was the equable manner in which the wealth of the place appeared to be distributed amongst its inhabitants. The whole population seemed to be on the same level of material comfort and well-being. I could not bring back to my recollection any sight or sound denoting the presence of a squalid class, or any indications pointing to a higher or a ruling class.

Nevertheless one could not but feel that, with so solid a basis of material prosperity, there was, on the score of culture, great room for improvements. One felt disappointed that so few of the inhabitants should care about that which in Germany decides the status of the individual, viz., a liberal education; and that so many parents, rich enough to send their children to a higher class of school, should be content with the very elementary education given in the National School. Such a fact as the habitual occupation of the same sleeping apartment by the grown-up children of both sexes, even in the case of well-to-do farmers, struck one as denoting the absence of a higher standard of civilization. In a word, one felt that, immense as was the contrast between the villein of the commencement of the century and the free proprietor of the middle of the century, the traces of the former state were not altogether obliterated, and that the peasant had not yet reached the point at which another generation will undoubtedly land him.

I will next proceed to the description of the Commune of X in the Odenwald, as affording a marked contrast to that of Viernheim.

Instead of being on the plain, it is high up in the mountains; instead of being within easy reach of a railroad and an important town, it is near no town and separated by about twenty miles of mountainous road from the nearest railway; instead of being under parcel-cultivation, it consists principally of consolidated farms; instead of the equal division amongst the children at the death of the father, the eldest son, in accordance with an ancient custom which is stronger than the law, comes into the enjoyment of the property during his father's lifetime, the latter, when getting too old efficiently to look after the property, being pensioned off, and the younger sons working as servants to the elder.

The Commune of X contains 534 inhabitants, of whom 115 are citizens, which gives a proportion of rather more than 4 women and children to 1 grown up-man, as compared to the 3 to 1 of Viernheim. Of these 115 citizens, 20 are proprietors of large farms, or so-called "Bauern" or full peasants, 20 are smaller proprietors, or so-called "Küh-Bauern"—cow-peasants (*i.e.*, 10 of them owners of 2 cows each, 10 of 1 cow each); the remaining 75 are agricultural labourers or artizans. I cannot state exactly what is the number of the latter class, which consists of shoe-makers, tailors and such handicraftsmen as are required to supply the wants of a small community, but I doubt whether it exceeds 15 or 20, which would leave from 95 to 100 full-grown men, with a corresponding number of full-grown women, as the full-grown labour force of the community.

The area of the "Gemarkung" contains 2,682 morgen, distributed as follows: 1,113 arable land, 518 meadow, 299 communal forest, leaving 752 morgen for the space taken up by roads, farm-buildings, gardens, orchards, as also by forest owned individually by the proprietors of the larger farms. The farms I visited had each of them from 10 to 15 morgen of forest belonging to them, and probably the others had a like proportion.

The 20 larger properties are as nearly as possible equal in size, each containing about 75 morgen of arable and meadow land. One of the number only comprised as much as 90 morgen. There are, besides, two properties of this class which have been subdivided. The properties of the small peasant, or so-called cow-peasant, run from 5 to 15 morgen.

There is no "Almende," it having been all of it divided amongst the proprietors in 1826.

The only communal property is the communal forest.

The community possesses 284 head of horned cattle (of these 117 are milch cows, 153 are beasts, heifers, &c., 12 are draught-oxen, and 2 are bulls), 40 horses and 5 foals, 3 donkeys, 75 sheep, 25 goats and 184 pigs.

The cattle is stall-fed. The meadows lie mostly near the farm-houses and furnish abundant green food. The sheep are pastured in winter on the stubble of the community, in a common herd. In summer they are provided for by their several proprietors.

The following is the rotation of crops:—

(1.) Potatoes or turnips, with manure; (2) Rye or spelt; (3) Barley, sown with clover, mixed.

One copious manuring once in three years, from 10 to 12 load to the morgen; the third or fourth year a light intermediate manuring.

The food of the peasant consists in the morning of coffee and bread or potatoes; at mid-day usually of meat, principally pork, potatoes and vegetables—the days on which meat is not eaten there is the usual pudding of flour, eggs, and butter; at night potatoes and sour milk or coffee. On *fête* days the never-failing cake is baked, and in autumn a large provision of a kind of jam made of pears, mixed with other fruit, is made, which contains much saccharine matter, and is eaten with bread instead of butter. Most of the larger proprietors employ, in addition to the members of their family, two men and two maid servants, who receive, respectively, from 80 to 90 and from 40 to 50 florins a-year, besides their board and lodging, and usually some small present in the way of dress at Christmas. They board with the family, and consequently partake of the same food.

The wages of day labourers, without board, are for a man from 30 to 36 kreuzers a-day; for a woman from 24 to 30 kreuzers.

The peasant proprietor in the Commune of X, comparatively large as is his property, and well off as he undoubtedly is (more than one was pointed out to be worth from 30,000 to 40,000 florins — 2,500*l.* to 3,500*l.* — laid out, chiefly in mortgages in neighbouring communes), contrasts unfavourably with his neighbour in the plain. With but one or two exceptions, none of the tenements and farm-buildings which I saw had the fresh and cheerful air which so struck me at Viernheim. Some had even a dilapidated appearance; in every case the farm-yard was in the highest degree untidy and slovenly. The plough and other agricultural implements were lying helter-skelter about the place; the manure was thrown carelessly into the yard in uncomely heaps; there was no tank or reservoir for the liquid manure, which in most cases seemed running to waste. The interior of the dwellings, though not denoting poverty, but the reverse (there were large fires burning and a pleasant activity going on in the kitchen), was not of a kind to impress one with the idea that material prosperity had refined the manners of the inhabitants. The richest amongst the proprietors—men who, according to German standards of living, could have well afforded to give their sons a university education—did not appear in any way to differ from the ploughmen and shepherds in their employ. In a word, the citizens at X are, as compared with the Viernheimers, emphatically country-folk—peasants—"Bauern," not in the invidious sense which we associate with the term "boor," but with just a shade of that sense clinging to the name. There seemed to me, however, to be a marked difference between the older and the younger generation. In the older I could not but discern, or fancy that I discerned, traces of the peculiarities which impress themselves on a disfranchised class—distrust and cunning, and an abiding sense that over-reaching is the normal condition of men's intercourse with each other; something, in fact, of those hang-dog looks and ways which are universally associated with the unfree peasantry of the close of the last and the beginning of the present century. In the younger generation all this seemed to have passed away, and to have been replaced by a sense of self-confidence, a greater amount of general intelligence, and the bearing of men who were conscious of no longer belonging to a caste, but of enjoying the full rights of equal citizenship. This especially struck me in the case of a young farmer who had lately come into his inheritance, and had begun by pulling down the family tenement and farm-buildings, and replacing them by a solidly-built and handsome two-storeyed house, with corresponding farm-buildings, which were on the point of completion, and proclaimed, in language not to be mistaken, how much higher was the standard of living to which the present generation laid a claim than that with which their ancestors had been content.

The two communes I have hitherto described lying both of them in the Province of Starkenburg, I will, lastly, give the following data respecting the Commune of Soedel in the Wetterau, a rich plain district in Upper Hesse.

The Commune of Soedel is under parcel cultivation. Its area contains 2,109 morgen, of which 54 morgen are "Almenden;" 1,400 morgen are the property of peasants; 291 morgen are the property of Prince Solms, one of the great mediatized landlords who formerly exercised manorial rights over the commune; and 608 morgen are forest, belonging to the communal exchequer.

Of this land 1,629 morgen are arable, 59 morgen meadow, 51 morgen gardens.

There are 640 inhabitants, of whom 175 are citizens; of these 53 are classed as proprietors, 47 as agricultural labourers.

There are three larger properties in the commune, each of about 150 morgen, cultivated by a more educated class of proprietors. The average size of the remaining

properties is about 30 morgen. The property of Prince Solms is let out to 18 peasants, in farms averaging about 20 morgen each.

A quarter of a morgen is the size of the smallest parcel: as a rule, the parcels run from 2 to 10 morgen.

The commune possesses 256 head of horned cattle (*i.e.*, about 1 to every 6 morgen), of which 157 are cows; 44 horses, 180 sheep, 243 pigs.

There is a three years' rotation of crops, with copious manuring every third year (viz., 120 cwt. of stable manure to the morgen), and lighter manuring with liquid or artificial manure the intervening years.

The average crop per morgen is as follows:—

	Malters.
Wheat	6
Rye	6
Barley	8
Oats	8
Potatoes	35 to 40

The food of the Soedel peasant (and here likewise the food of the agricultural labourer is not different from that of the proprietor) is as follows:—

First breakfast.—Coffee and bread, with butter, or jam made of pears or plums.

Second breakfast.—Bread, with cheese or butter.

Dinner.—Soup, vegetables, and meat, or soup and farinaceous pudding.

At 4 o'clock.—Coffee, bread, and butter or jam.

Supper.—Potatoes, with milk, and butter or cheese, or potatoes and salad, sometimes with meat or sausage.

The forest brings in about 6,000 florins a-year to the commune. Each citizen receives 20 florins' worth of wood a-year.

A man's wages without board are 50-kreuzers a day, a woman's 40; with board, respectively 26 and 16 kreuzers.

As will be seen by the copious manuring, the large returns per morgen, the standard of living, and the rate of wages, this commune is very well off and highly prosperous.

This must conclude my sketch of peasant holdings in the provinces on the right bank of the Rhine. I had hoped to complement it by an equally detailed survey of communes in the Rhine Province, as, by common consent, the state of agriculture on the left bank of the Rhine is immensely superior to that on the right bank, and probably yields the highest results anywhere attainable under peasant cultivation. Unfortunately the necessity of bringing this Report to a conclusion within reasonable limits of time has not afforded me the opportunity of doing so, and my acquaintance with the Rhine Province is limited to two hurried excursions.

These were, however, sufficient to convince me of the very much higher level attained by the agriculture of the province, and I shall avail myself of the information gathered on those occasions in my concluding remarks.

Transfer, Hypothecation, and Descent of Land.

(A.) 3. In the provinces on the right bank of the Rhine, so-called "acts of voluntary jurisdiction,"* *i.e.*, judicial acts by which transactions of the nature of contracts, &c., obtain there legal validity, are performed by the public Courts. In Rhine Hesse the system of notaries public prevails.

In the former provinces the procedure in reference to the sale and transfer of land is as follows:—

For each sale or transfer the instrumentality of two Courts is required, viz., that of the Communal Court (the "Orts Gericht," described in p. 197), in which the estate is situated, and that of the Court of the district ("Land Gericht") in which the commune is situated.

This double mechanism appears at first sight to be cumbrous and complicated, but this is not the case in practice. On the contrary, the distribution of functions between the two Courts, arising, as it does, from natural causes, and adapted, as it is, to local

* The term "Freiwillige Gerichtsbarkeit" (*jurisdictio voluntaria* in contradistinction to *jurisdictio contentiosa*) is used in German legal phraseology to denote such judicial acts as have no reference to contentious litigation, but are required to give to a transaction legal validity, *e.g.*, affidavits, legalization of wills, &c. In such parts of Germany as are under French law, as well as in some others, this jurisdiction is delegated to notaries public; in other parts of Germany it is exercised directly by the public Courts.

requirements, materially conduces to the extraordinary rapidity, facility, and cheapness with which transfers of land are effected in the Grand Duchy.*

The difficulties which had to be overcome, and which were sufficiently overcome, by the double mechanism of the two Courts may be thus stated:—

To effect a transfer by registration, the authority under which the transfer takes place must be a competent one, a condition not fulfilled by a Court like the "Orts Gericht," composed in rural districts of peasants ignorant of law, and only capable of performing the most rudimentary legal acts. It was therefore necessary to invest the higher Court with this authority.

On the other hand, it was equally necessary that the Land Register, in which the transfer takes place, should remain a strictly communal institution and in the hands of communal officers. For the Land Register constitutes, so to say, the agricultural ledger of the community, whose utility depends upon its accessibility, and upon the thorough knowledge of its contents possessed by the members of the community, and especially by the persons in whose custody it lies. This knowledge, possessed in an eminent degree by the Local Court, which is composed of men born and bred in the commune, is of a kind necessarily inaccessible to the members of the higher Court.

It was necessary, therefore, to find some means of effecting the transfers under the authority of the higher Court without delocalizing the Land Register, or dispensing with the local knowledge which the lower Court alone could furnish, and this was done by the law instituting the "Mutations Verzeichniss," or Protocol of Transfers.†

By this law the transfer is effected by a judicial act which takes place at the District Court, and, as this cannot be done directly in the Land Register, which does not leave the custody of the Local Court, it is effected in the Protocol of Transfers, which, by a legal fiction, is identified with the Land Register. Once every six months the entries in the Protocol of Transfers are copied, under the responsibility of a Government officer (the Commissioner of Taxes of the district), into the Land Register. In the eye of the law, however, the land passes by the transfer in the Land Register.

The evidence upon which the District Court acts is furnished, as the sequel will show, by the Local Court, which is responsible for the issues of fact, while the District Court is only responsible for the issues of law.

As the entire system, not only of the transfer but also of the hypothecation of land, depends on this Land Register, it is necessary to describe it in detail.

From a very early period there existed in the territories of the Landgraves of Hesse a rough cadastration for the purposes of public taxation, and, corresponding to this cadastration, there was deposited in each commune a so-called "Flur" (or field) "Book," containing a topographical register of the properties of the commune, which was not, however, at that time used as a record of titles.

This rough cadastration was supplanted by an accurate trigonometical survey commenced in 1824, and by the law of the 21st February, 1852, it was enacted that the Field Books prepared, or to be prepared, on the basis of this new cadastration, should assume the character of registers for the transfer of land and for the proof of titles.

The original maps are deposited in the Office of Cadastration. Duplicate *fac-similes* of the map of each communal district ("Gemarkung") are deposited in the Local Court, and constitute the basis of the Land Register. Each district is divided into so many "fluren," or fields, each field into so many parcels or items. The unit is consequently the parcel, but these units are arbitrary. They are partly transfers from the old Field Books; partly new creations consequent upon sub-divisions which have taken place since the new Land Registers have been in force. They vary in every possible degree, from a few perches to a number of acres; sometimes an entire establishment—house, stables, farm-buildings, garden, orchard—being entered as one parcel, sometimes each of these being entered as a separate parcel.

Each field has its separate volume in which the parcels are entered in consecutive numbers, corresponding to the numbers of the parcels on the map.

Annexed is a transcript from the pages of a Land Register:—

* It must not be forgotten that the Local Court supersedes the action of the private conveyancer. It is, as it were, a conveyancer's office established at every proprietor's door, doing business according to a minimum scale of fees to express which in English coin we must have recourse to farthings.

† It is difficult to find an English equivalent for a technical term descriptive of a thing which has nothing corresponding to it in England. The characteristic of the "Mutations Verzeichniss" is that it is substituted provisionally for the real record of transfers, viz., the Land Register. It might be described as being to the Land Register what the day-book or journal of a mercantile house is to the ledger.

"Flur" (field), No. 1.							"Gewanne:—"Behind the brick-kiln.*										
1.	2.		3.	4.	5.	6.	7.			8.	9.				10.	11.	12.
Description of Parcel.	Number of Parcel in		Square Klafter.†	Class in Register of Land Tax.	Nett Income Taxed.	Description of Owner, and his Title.	Date of Entry in Protocol of Transfers.			New Owner.	Title.				Limitation of Ownership.‡	Rent Charges.§	Reference to Register of Mortgages.
	Old Register.	New Register.					Month.	Day.	Year.		Kind of Title.	Date of Title.					
												Month.	Day.	Year.			
Arable land	77	1	500	3	Florins. 30	Adolf Müller (husbandman). Inherited.	January	20	1867	Karl Schmidt (blacksmith).	Purchase.	January	20	1867	"Limited," by vendor's lien.	5 florins per annum, for the next ten years.	Vol. ii, p. 16.

* The division into "Gewanne" is antiquated, and the term is only retained to localize the "Flur" or field.

† "Klafter" is equal to 100 square Hessian feet.

‡ This limitation of proprietary rights is of three kinds: "Beschräukt" (limited); "Gehemmt" (hindered); "Streitig" (contested). The first ("Beschräukt") has reference almost exclusively to the case in which the buyer pays for the property in instalments, the vendor, until these instalments are paid off, retaining a dormant ownership (*dominium reservatum*) analogous to our "vendor's lien." The second ("Gehemmt") presupposes some inhibitory measure on the part of a Court of Justice, in view of possible litigation, similar to a "writ of distringas" on stock in England. The third ("Streitig") presupposes actual litigation, corresponding to our registration of "*lis pendens*."

§ These rent charges have reference to the commutation of customary services, &c., described in the early portion of this paper.

Fully to understand this Register, it must be borne in mind that it takes the shape of a large folio volume, the left page of which is filled by the columns from 1 to 6 inclusive, and the right-hand page by columns from 7 to 12.

The left page represents the parcel at the time of the creation of the Land Register. The right page records the change which the parcel undergoes.

It will be observed that the basis of the Register is the topographical division of the "Gemarkung;" not the person owning, but the object owned, being the unit.* Each "Flur" has its own volume, and each parcel has its entry in this volume. But this system is supplemented by an alphabetical register of the owners, with a reference against each name to the volume of the Land Register. Annexed to the Register are the duplicate maps of the "Gemarkung." The one copy corresponds to the left page of the Register, and represents the "Gemarkung" at the time the Register was created. It can, under no circumstances, be tampered with. The second copy is destined to have the alterations resulting from sub-divisions of the parcels recorded in it. These maps are on the scale of $\frac{1}{500}$, and the minutest alterations can therefore be entered on them. They are masterpieces of cartographical art.

When the survey of a communal district is concluded care is taken that the new Land Register, which is to take the place of the old Field Book, shall contain an accurate record of titles. For this purpose, the entries are made by the district court. Where no title-deeds are forthcoming, so-called "Edictalia," or proclamations, are published in the Gazette, calling upon any persons who may have claims against the parties in possession to make good those claims by a certain day. If no such claims are put in, the actual possessor obtains a certificate to that effect from the district court, which affords the title-deed in virtue of which his name is entered on the Register, and a *presumptio juris* is created in his favour. If claims are put in, they form the subject of investigation, pending which the possessor's name is entered on the Register, with an entry in column 10 to the effect that his rights are disputed.

After all the property in the commune has, under the careful scrutiny of the district court, been entered on the Register, notice is given that the latter will be exposed to public inspection during a certain number of weeks for the rectification of errors. After this period has elapsed and all errors have been rectified, the Register is duly legalized by the district court, and a *presumptio juris* is established in favour of all the registered proprietors against whose names no limitations of proprietary rights are entered. Five years after the date of legalization, if these titles have not been impugned, the *presumptio juris* becomes a *presumptio juris et de jure*, and the titles are indefeasible.

I can now proceed to explain the method of proceeding observed in the sale of land, and, in order to facilitate the task of description, I will suppose a particular case, a vendor (A) and a buyer (B) in a commune (X).

A and B would present themselves before the local court of X and declare that A had agreed to sell, and B to buy, ten parcels of land, numbers from 1 to 10 in field 3.

A would at the same time produce documentary evidence of his title. The court would thereupon examine Vol. III of the Land Register, in which it would be found whether the description given by A corresponded to the registered facts; and such questions would be put as, together with the information furnished by the Land and Mortgage Registers, assisted by the local knowledge of the court, would enable the latter to answer a printed form of interrogatory, which it is the business of the local court to furnish to the district court.

The questions in this interrogatory are the following:—

1. Are the objects to be sold the property of A?

2. Are any of these objects held under "Erbleih" or "Landsiedel" tenures, or parts of entailed properties?

3. Has A produced a legally certified document in evidence of his title; and what is the date of the document?†

4. Is A and, if married, is his wife twenty-one years of age? Are either of them under wardship for extravagant habits or mental deficiency?

5. Are there any mortgages, and if so, what mortgages, on the objects to be sold, and who are the mortgagees?

6. Are there any arrears of payments in regard to a previous sale charged on the estate?

* The reverse of this is the case in Prussia, where the Land Register is engrafted on the Mortgage Register, whereas in Hesse the Mortgage Register is engrafted on the Land Register.

† This is sufficient information for the District Court, as, if A is able to produce any kind of document, the original, or a copy, must be in the possession of the District Court.

7. Are there any other private charges on the estate?
8. Are there any arrears of land tax, or other public or communal charges?
9. Is A married? Is it his first or second marriage? What children are there from his first marriage, and have they attained their majority?
10. Is A's wife co-proprietress in the estate sold?
11. Are the children of the first marriage heirs to the estate? or—Was the estate acquired in a former marriage?
12. As far as is known, are the objects sold the subject of litigation?

After being duly filled up, this interrogatory would be certified as follows:—

November 10, 1869.

The President of the Grand Ducal Local Court,
(Signed) MULLER.

The Assessors,
(Signed) SCHULZE.
SCHMIDT.
FENNER.
BIEHL.

When this interrogatory has been duly certified by the Court, the following so-called "Kaufnotul," or protocol of sale, is drawn up:—

PROTOCOL OF SALE

between A and B.

Done at X, this 10th day of November, 1869.

There appeared this day before the Grand Ducal Local Court and made declaration—

A, the vendor, that he had sold to B, the buyer, and B, the buyer, that he had bought from A, the vendor, for the sum of 1,200 florins, the parcels of land described on the opposite page, under the following conditions:—

1. The payment is to be made in three yearly instalments; 5 per cent. per annum being charged for the money still due.
2. The property is to be made over to the buyer on the 1st of January, 1870.
3. Until the instalments have all been paid up, A's right of ownership is reserved (*dominium reservatum*).
4. The cost of the protocol of sale and of the interrogatory is borne by A. The cost of the deed of sale is borne by B.
5. B becomes responsible for taxes from the 1st of January, 1870.

Page and No. of Old Field Book.	New Land Register.		Square Klafter.		Rent Charges.
	No. of Field.	No. of Parcel.			
P. 12, No. 6	3	No. 1	10		15 fl.
		2	3		
		3	&c.		
		4			
		5			
		6			
		7			
		8			
		9			
		10			

Read and approved:
The Vendor,
(Signed) A.

The Buyer,
(Signed) B.

Certified by:
President of Local Court,
(Signed) MULLER.

The Assessors of the Local Court,
(Signed) SCHULZE.
SCHMIDT.
FENNER.
BIEHL.

The Local Court then transmits this protocol, accompanied by the answers to the interrogatories, and a certified extract from the Land Register, to the District Court.

From the answers to the interrogatories, the District Court at once perceives whether or not there are any legal impediments in the way of the sale. It undertakes no responsibility, however, for the correctness of the answers given. It assumes them to be correct, and decides on their merits. For any mistakes in these answers the Local Court is alone responsible, and should losses accrue from any mistakes of theirs, the officers of the Court are personally liable for the loss.

If there is no impediment in the way of the sale, the District Court makes a minute of the transaction, from which a deed of sale (Kaufbrief*) is drawn up, signed by buyer and vendor, and certified by the District Court. The Court simultaneously enters

* The "Kaufnotul" drawn up by the Local Court is, as it were, the draft form of the "Kaufbrief" drawn up by the District Court.

the transaction on the Protocol of Transfers, and the transaction is concluded, except that at the close of the half year the entry in the Protocol of Transfers has to be transferred to the Land Register. This, however, in no way affects the validity of the transfer, which was finally and definitively accomplished when the entry was made in the Protocol of Transfers, which protocol during the half year is identical with the Land Register.*

I will now examine what the whole procedure has cost; and for this purpose I will suppose that the property consisted of 4 morgen in 10 parcels, and that the price paid was 1,200 florins or 100*l.*

The costs fall under two heads—those in connection with the Local, and those in connection with the District Court.

I. Costs in connection with Local Court.

	Fl.†	kr.
1. Fee for the Protocol of Sale ("Kaufnotul")	0	20
2. Fees for the Interrogatory:—		
(*a.*) For first parcel:—		
Burgomaster	0	12
Each assessor 6 kreuzers, therefore 4 assessors	0	24
(*b.*) For the following parcels:—		
2 kreuzers per parcel for the Burgomaster, for 9 parcels therefore	0	18
1 kreuzer per parcel for each assessor	0	36
3. Stamp on certified extract from Land Register	0	6
	1	56

II. Costs in connection with District Court.

	Fl.	kr.
1. Stamp on Deed of Sale ("Kaufbrief")	5	30
(The tariff of stamps begins with 2 florins 15 kreuzers, or $2\frac{1}{4}$ per cent., for a sale amounting to 101 florins; it goes on diminishing with each 100 florins up to 600 florins (50*l.*), when it amounts to 4 florins, or $\frac{3}{4}$ per cent. After 600 florins it amounts to 15 kreuzers per 100 florins, or $\frac{1}{4}$ per cent. After 5,000 florins it amounts to 1 florin per 1,000, or $\frac{1}{10}$ per cent.)		
2. Fee for entry into Protocol of Transfers, 2 kreuzers per parcel	0	20
3. Fee for transfer from Protocol of Transfers to Land Register, 3 kreuzers per parcel	0	30
	6	20
Costs in connection with Local Court	1	56
Total	8	16

The vendor and buyer between them, therefore, have had to pay about 13*s.* 8*d.* as the entire cost to them (for there are no lawyer's charges in the back-ground) of the transfer of 100*l.* worth of landed property, *i.e.*, between $\frac{1}{2}$ and $\frac{2}{3}$ per cent. of the value of the property. But it must be remembered that of this sum, 5 florins 36 kreuzers, or 9*s.* 4*d.*, are stamp duty, so that the cost of the transaction itself is only about 5*s.*‡

A precisely similar course is followed in regard to the exchange and division of properties as in regard to their sale; only where a division takes place the District Court requires an additional document in the shape of a so-called "Messbrief," *i.e.*, a certified survey of the parcel to be divided, with the proposed divisions entered upon it, on the same scale as that of the map appended to the Land Register.

It is from the survey thus furnished that the alterations at the end of six months are made in the Land Register and its annexed map.

These surveys are made by sworn surveyors and their cost is exceedingly moderate, the tax being 12 kreuzers a parcel, *i.e.*, for each new parcel caused by the division; but, if the parcels are fewer in number than would make up one day's pay of a surveyor, he is paid by the day at the following rates.

A surveyor of the 1st class, that is, licensed to survey lands of any extent, 3 florins a-day.

One of the 2nd class, *i.e.*, licensed to survey up to 100 morgen, 2 florins a-day.

* Whether the land passes by the "Kaufbrief," or by the Registration (though, I believe, the law intends it to pass by the Registration) is a question of purely speculative interest, as the two things are necessarily inseparable and simultaneous, being part of one transaction.

† The florin is equal to 20 pence. There are 60 kreuzers in a florin, therefore 1 kreuzer is equal to $1\frac{1}{3}$ farthings. Twenty kreuzers, the fee for the Protocol of Sale, would be about 7*d.*

‡ Compare with these charges those current in England as enumerated in the "List of Purchasers' Expenses," printed on page 139 of the "Systems of Land Tenure," published by the Cobden Club ("Land Tenure in England," by Wren Hoskyns). According to this list, the purchaser's expenses, irrespective of the vendor's, and of stamp duty, would for the transfer of 100*l.* worth of land be 23*l.* 14*s.* 3*d.*

One of the 3rd class, *i.e.*, who is not licensed to survey more than 25 morgen, 1 florin a-day.

Hence the costs incurred in connection with the ordinary deparcelment of peasant properties do not exceed a few shillings.

(A.) 6. The same mechanism is employed for the mortgaging of land as that used for its sale and transfer, viz., the double action of the Local and the District Court.

The Local Court keeps the Register of Mortgages, estimates the value of the objects to be mortgaged, and furnishes all the particulars which enable the District Court to issue the mortgage debenture ("obligation"), and to authorize the Local Court to enter the mortgage on its Mortgage Register.

The following is the mode of procedure:—

A, wishing to raise 7,000 florins on his property in the Commune of X, presents himself at the Local Court with the documents which evidence his title.

Exactly the same process of investigation takes place as that described in the case of a sale or transfer, except that, in addition to the interrogatory (which is only slightly different), the Local Court undertakes, by means of its sworn valuers, to estimate the value of the property.

I will suppose that in the present case A's property is by the Local Court valued at 13,000 florins. A thereupon receives a certificate to this effect, signed by the Local Court.

The valuation so certified is inscribed at the head of the formula which contains the answers to the interrogatory. With this document in his possession A has no difficulty in finding a mortgagee, as the latter, in virtue of the document aforesaid, is placed on the authority of the Court in full possession of all the circumstances connected with the property proposed to be mortgaged. When the mortgagee has been found, his name is entered in a blank left for that purpose in the formula, and this one document, with a certified extract from the Land Register, is sufficient to enable the District Court to issue a mortgage debenture, signed by the mortgagor and certified by the Court. The District Court then issues an order to the Local Court to enter the mortgage on its Register of Mortgages. This order, and the certificate of the Local Court to the effect that it has entered the mortgage on the Mortgage Register, are engrossed on the mortgage debenture, which likewise contains, as integral portion of itself (*i.e.*, not merely as an enclosure, but sewn in with it), the original formula, with the certificate of valuation and the interrogatory, and the certified extract from the Land Register, the whole constituting a full record of the transaction and the mortgagee's security for his debt.

I should observe that the mortgage is only effected, and the mortgagee's claims against the mortgagor only arise, after the mortgage has been entered on the Register of Mortgages. Similarly the debt is only extinguished by being cancelled on the Register.

The cost of the proceedings are as follows:—

1. Local Court.

	Fl.	kr.
1. Valuation fees:—		
(*a.*) Where the value does not exceed 500 florins:—		
For the President of the Court	0	15
For each assessor	0	10
For the servant of the Court	0	3
(*b.*) Where the value is more than 500 florins and less than 1,000 florins:—		
For the President	0	30
For each assessor	0	20
For the servant	0	6
(*c.*) Where the value is more than 1,000 florins:—		
For the President	1	0
For each assessor	0	40
For the servant	0	12
2. Fees for Interrogatory:—		
President	0	15
Each assessor	0	6
3. Fee for entry into Register of Mortgages:—		
President	0	15
Each assessor	0	6
4. Extract from Land Register:—		
Stamp	0	6
5. Stamp on Paper of Valuation	0	30

2. District Court.

As in the case of sales and transfers, the District Court makes its charges in the shape of stamps, which partly cover its outlay—partly represent public revenue.

The mortgage debenture bears one stamp, which varies in an ascending scale according to the amount of the mortgage.

I subjoin the following costs taken from a mortgage of 7,000 florins (about 580*l.*) on a property valued at 13,000 florins :—

	Fl.	kr.
1. Costs of Local Court :—		
Under heads 1, 2, 3, 4, 5 (see previous page)	5	46
2. Costs of District Court :—		
1 stamp of the value of 11 florins	11	0
	16	46

or about $1\frac{7}{10}$ per mille of the amount of the mortgage.

(A.) 5. There are no means of obtaining exact information as to the amount of mortgages by which peasant proprietors are burdened. The grand total of mortgages on the Mortgage Registers of each circle are yearly added up, but, as the circle includes both town and country, and the Registers include large properties as well as small, these gross totals afford no data to go by.

In the communes which I visited I found a very great difference prevailing—in some the properties being largely mortgaged, usually as the result of debts incurred in buying additional land; in others only slightly, in others not at all. In some the proprietors had large sums lent out on mortgage in neighbouring communes.

The present rate of interest varies from 4 to 5 per cent. It has been steadily rising; and one cause of this rise is attributed to the increasing facilities for investment in foreign funds, and especially in American greenbacks, which, owing to the frequent intercourse between the agricultural population of the Grand Duchy and German settlers in the United States, have acquired great popularity.

(A.) 4. There are no special facilities of the kind. The mortgage registers, by enabling the small proprietors to obtain money on mortgage at the usual rate of interest, and with very little trouble, appear to afford all the facilities required for raising *bonâ fide* loans, either for the purpose of buying off family charges or for the improvement of the property; on the other hand, I have heard frequent complaints of the want of agricultural credit for the smaller and every-day operations connected with agriculture, and there are various schemes afloat for supplying this want, by means of rural banks specially adapted to the requirements of small proprietors. In some of the townships I visited, there were credit banks established on the Schulze Delitsch principle; but, though eagerly used by the artizan population in those townships, the purely agricultural population had not taken kindly to them.

(A.) 2. In the Rhine Province it is the Code Napoléon. In the other two provinces it is the Roman law, viz., *ab intestato* the children, or their heirs in a descending line, inherit in equal proportions; after these the ascending and collateral lines, according to the degree of their affinity.

Where the owner makes a will, he can leave his property to whom he pleases, with the exception of the so-called *pars legitima*, to which the children, unless disinherited by a judicial Act, have an absolute right. The *pars legitima* is equivalent to one-third of the property where there are four or fewer children, and to one-half where there are more than four children.

In the districts in which the consolidated farms previously described are situated, immemorial custom has ruled that the property in its entirety descends to one child, almost invariably the eldest son, and the younger children do not avail themselves of their undoubted right to claim their *pars legitima*, though it is, of course, usual that some sort of provision is made for them.

Where "Erbleih" tenures still exist the farm, whether consolidated or in parcels, is inherited by one child.

With these exceptions, the almost universal rule is that the children inherit in equal proportions. I found in every district which I visited, the Odenwald excepted, that this was a point on which a very strong public opinion existed, and that cases in which parents availed themselves of the power given by law to bequeath their property unequally were almost if not entirely unknown. In Rhine Hesse this feeling is especially strong, and I could not hear of a single instance in which a father had used the power given him by the French law of disposing of one-fourth of his estate for the special benefit of one or other of his children.

Population and Emigration.

(A.) 9, 12, and Miscellaneous, 3, 4. The statistics of the Grand Duchy do not enable me to answer these questions exactly as they stand.

As I have before had occasion to observe, the peasant proprietor, the peasant tenant, and the agricultural labourer fade away imperceptibly into each other, and it would be impossible for the most careful system of statistics to group them into separate categories.*

Of the class who derive their principal maintenance from daily wages the majority own at least a cottage and a garden, probably in addition to this a parcel or two of land, or they obtain such parcels in their turn out of the common lands, or they lease them from the commune, or the school, or the church, or from a large proprietor. On the other hand, many proprietors whose principal source of income is derived from their estate occasionally work for hire. Of the land farmed in parcels probably by far the largest part is leased by peasant proprietors, who cultivate the parcels they lease in addition to those they own.

I will therefore, in replying to the above questions, treat of the peasant population generally, and include in the term "proprietors," tenants and agricultural labourers.

The tenants who hold large consolidated farms are so few in number that it would be idle to talk of statistical information in regard to them. Any information of the kind required would assume in their case the shape of private details respecting a limited number of families.

The statistics of population in the Grand Duchy of Hesse since the year 1816 yield the following results :—

Number of inhabitants :—	
Urban—	
1816	182,206
1834	230,357
1861	283,953
Rural—	
1816	447,329
1834	530,408
1861	572,954
Increase expressed in per-centage :—	
Urban—	Per cent.
1816–1834	26·42
Yearly average	1·29
1834–1861	23·26
Yearly average	0·77
Rural—	
1816–1834	18·57
Yearly average	0·97
1834–1861	8·02
Yearly average	0·28

or, to express the same facts in a different form :—of every 1,000 inhabitants in 1816 289 were towns people and 711 were country people; in 1861, 331 were towns people and 669 were country people.

The above figures show :—

1. An extraordinary diminution in the rate of increase during the second period (1834—1861) as compared with the first period (1816—1834) :—viz., in the urban population 1·29 per cent. per annum, in the first period, as compared with 0·77 per cent. per annum in the second period, and in the rural population 0·94 in the first period as compared with 0·28 in the second.

2. A very much larger proportionate increase during both periods in the urban population than in the rural population :—viz., during the first period 1·29 per cent. per annum in the urban as compared with 0·94 per cent. per annum in the rural population, and in the second period 0·77 as compared with 0·28.

This disproportion, moreover, is one which is rapidly increasing, as shown by the statistics for the years 1861—1864, during which period the urban population increased 4·3 per cent. and the rural population only 0·1 per cent., the former almost recovering

* According to the census of 1864, out of a total of 853,316 souls, 547,993 constituted the rural, and 275,145 constituted the urban population, *i.e.*, respectively 66·6 and 33·4 per cent. According to the same census there were 145,263 proprietors of land, and 107,764 agricultural labourers. How many individuals were included in both classes there are no means of ascertaining.

its rate of increase during the first of the two periods above described, whilst the latter remained all but stationary.

In examining the causes of these phenomena it must be remembered that the eighteen years which followed upon 1816 were years of profound peace coming immediately after a generation of incessant war, and that there was consequently a gap in the population which it was natural should be filled up by a very much accelerated rate of increase. It is also certain that emigration has been carried on in a much more systematic manner and on a much larger scale since 1834 than it was before. Making due allowance for these two causes, it yet seems a fact worth noting that the diminished rate of increase should coincide with the period during which the agricultural population became invested with full proprietary rights over their holdings, and the land was emancipated from the burdens of every kind which had previously impeded its cultivation.

This fact is especially noticeable when we take the period from 1861—1864 into consideration, during which the rural population remains all but stationary. For by this time the work of emancipation had, with a few unimportant exceptions, been completed, and the new order of things had been definitely established. Now, under this new order of things, it is certain that the general standard of cultivation has been immensely rasied, that the land yields infinitely more than it did previously, and that the peasant population is not only much better fed and much better clothed, but much better educated and a far greater proficient in the art of tillage than it was a generation ago.

It is difficult under these circumstances to resist the inference that, when it has once reached a certain level of well-being, a peasant proprietory is a good judge of what amount of population the land will bear, and that, as it increases in wealth and comfort, in general intelligence and in the special knowledge of the capabilities of the soil cultivated by it, it becomes alive to the danger of jeopardizing this prosperity by over-population.

Nor is this inference in any way weakened by the fact that the diminished rate of increase is, in large measure, to be attributed to emigration. For, during the period (1861—1864) of which I am treating, there was no pauper emigration. The emigrants were all of them persons having the means to emigrate and to enable them to settle under advantageous circumstances in the New World. They exchanged, of set purpose, a state of things in which they were not so much ill off as on the way to being ill off, for one in which they knew they would be very well off. The fact of spontaneous and systematic emigration under such circumstances is in itself a proof that the knowledge possessed by the community is sufficient to enable it to provide its own safety-valve, and to regulate it according to the greater or less degree of pressure bearing on the land. The use of this regulator is best understood in the Rhine Province, which, as I have already had occasion to remark, is one of the best cultivated and most properous districts in Central Europe.

I should observe that this province forms part of the Old Palatinate, and that the Palatine peasants have for generations been celebrated for their superior husbandry and consequent prosperity, as well as for their natural tendency to emigrate and colonize. Some of the most flourishing communities on the Lower Danube and in Southern Russia are colonies which left this part of Germany at the end of the last century. It is impossible not to bring the good husbandry and the colonizing tendency into connection with each other as cause and effect. The Palatinate peasant cultivates his land more with the passion of an artist than in the plodding spirit of a mere bread-winner. He knows exactly what his knowledge and his energies are worth, and will not waste them in merely producing the minimum required for his subsistence. The prospect, therefore, of a larger field for his exertions has an irresistible charm for him, and he goes forth to till the virgin soil of the New World, not with the feelings of an outcast from society, but with the confidence of a man who knows that across the seas the future belongs to him.

The statistics of emigration have only been collected since 1863, and only have reference to the official emigration, *i.e.*, to the emigrants who apply to the Government to be relieved of their Hessian nationality before leaving the country, which, as may be supposed, by no means includes the entire class of emigrants.

These official numbers are as follows :—

1863	..	..	1,423
1864	..	..	1,923
1865	..	..	2,281
1866	..	..	2,432
1867	..	..	2,391
Total		..	10,450

Of these 5,176 were males and 5,274 females.

This equality between the sexes is sufficient evidence that the emigration is one of households and not of isolated individuals.

The following numbers, arrived at by comparing what the population should be, according to the excess of births and immigrants into the Grand Duchy over deaths, with what it actually is, give the real deficit caused by emigration, either across the seas or into other parts of Europe.

1822–25	2,062	1843–46	12,049
1825–28	1,367	1846–49	23,008
1828–31	2,438	1849–52	24,560
1831–34	8,319	1852–55	34,138
1834–37	3,511	1855–58	11,830
1837–40	2,874	1858–61	14,741
1840–43	4,156		

i.e., an average of 3,719 per annum.

An interesting fact revealed by these numbers is the direct connection between emigration and political events. Immediately after the July revolution, there is a sudden jump from 2,428 to 8,319; also the years immediately preceding and immediately following 1848 are those in which the movement attains its largest proportions. After reaching its maximum in the period between 1853 and 1855, when the figure of 34,000 is attained, there is a sudden diminution to 11,000, a number which has not been greatly passed since.

This emigration is almost exclusively fed by the rural population.

There seems to be little doubt, that the excessive emigration which marked the period between 1853 and 1855 is partly to be attributed to a morbid belief—arising in a great measure from the moral depression and general sense of hopelessness caused by the political reaction of the period, in some cases rising almost to the proportions of a panic—that the land was no longer capable of maintaining the population settled on it, and that nothing short of wholesale depopulation could save the country from ruin. Communes contracted large debts to get rid of their poorer members, and in some cases entire townships, after selling their real and personal estate, transplanted themselves bodily to America.

The universal complaint now being the great rise in wages, and the want of agricultural hands, I have, in every part of the country which I have visited, heard this period bitterly complained of as one of universal madness.

It appears to me, however, that the simultaneous emigration which took place at that time—almost the whole of it, I should observe, to the United States of America—has exercised a beneficial effect of a lasting kind upon the agricultural population of the Grand Duchy. For, owing to this general character, there is probably hardly a locality in Hesse between which and a corresponding locality on the American Continent intimate relations have not grown up. By this means, exact information is obtained of the conditions under which labour can advantageously transport itself across the seas, the emigrant expects neither too much nor too little, the particular class wanted at a particular moment is known, and a steady regulator of the labour market is supplied.

A large proportion of the present normal and regular emigration is furnished by the peasant proprietor class. Better than any one else they know how many mouths a given amount of land can feed, and that a property which sufficed to maintain one household will not maintain three households.

It, therefore, frequently happens that, at the death of the head of the family, instead of dividing the land *in naturâ*, it is sold by auction, the young households departing with the proceeds of the sale to America.

That a man of this class—in the best years of his life, with a stout healthy wife, used to out-door and in-door work, to washing and cooking, to digging and reaping, and with 80*l.* or 100*l.* in his pocket, thoroughly acquainted with husbandry, and possessing the habits of forethought and calculation, and the knowledge of adapting means to ends, which can only be acquired in the exercise of proprietary rights—should be a valuable acquisition as a settler in a new country stands to reason.

The value of the article is well-known on both sides of the Atlantic, and the German communities settled in the United States will for many generations to come attract their brethren from the European Continent, and afford a natural outlet for the surplus population of the old country.

Agricultural Education.

Before leaving the subject of peasant occupation, I must allude to a very important feature connected with it, viz., the system in force for diffusing agricultural knowledge amongst the population, and bringing home to the door of the smallest farmer the best methods of improving his land.

The agency by which these objects are obtained is that of the Grand Ducal Agricultural Society, in the main a private association, but standing in a kind of co-partnership with the Government, from which it receives a subvention. More correctly speaking, there are three Societies, one for each province, the central organ for the three being named by the Government, and constituting a separate Department in the Home Office. Each Society is governed autonomously by a President, a Vice-President, a Committee of twelve members, who, in Upper Hesse and Rhine Hesse, are elected by the Society, and two Secretaries elected by the Committee. In the Province of Starkenburg, in which the capital of the Grand Duchy is situated, the President and First Secretary are named by the Grand Duke, and are respectively the Chief and the Secretary of the Central Department in the Home Office.

The object of the Societies is to improve the agriculture of the country, and to do this by collecting and diffusing information, and by advising and assisting the Government.

There are at present 3,500 members belonging to the three Societies, who pay a yearly subscription of 3 florins, but receive in return the Journal of the Society, which is published once a week, under the editorship of the Secretary of the Central Department, and contains not only reports of all the doings of the Society, but agricultural information of every kind.

The Government subvention amounts to 12,000 florins (1,000*l.*) a-year, of which 3,900 florins are absorbed by the cost of the Central Department.

The educational apparatus of the Society consists of—(1) an Agricultural School at Darmstadt, open from the 1st November to the 31st March, and intended for the sons of peasant proprietors, who, during the spring, summer, and autumn are working with their hands; (2) of an Agricultural Course delivered during the summer holy days at Darmstadt for the benefit of the National Schoolmasters; (3) of premiums to so-called "Fortbildungs Schulen," viz., schools taught by the National Schoolmasters, and attended by boys after the age of 14, up to which time the attendance at the National School is obligatory. In these schools, the schoolmasters who have attended the agricultural course yearly given at Darmstadt, impart elementary knowledge in physics, chemistry and botany to their pupils. Inspectors named by the Society examine the scholars, and award premiums according to proficiency. I should add that the Society, correctly judging that a sound general education is the necessary basis of agricultural as of every other kind of knowledge, do not restrict their awards to mere proficiency in the special branch of knowledge above referred to, but lay an especial stress on proficiency in the knowledge of language and arithmetic. (4.) Of so-called "Wander Lehrer," or Wandering Teachers, whose business it is to impart instruction and information to the cultivators on the spot. Each province has its own wandering teacher, a professor of high scientific attainments, who devotes, on an average, a month to each circle, remaining several days at the same halting station, so that each locality is visited by him once a-year. By means of periodical visitation, he becomes accurately acquainted with local requirements and local deficiencies, and is thereby enabled to adapt his teaching to the special wants of his audience. Moreover, by repeating his visits each year, he is able to note whether the locality is progressing or the reverse, and to sum up general results in a way which enables the smallest proprietor to compare the facts recorded by his homestead with the general results of science and agricultural progress. I am not aware that this system of ambulant teachers has been attempted elsewhere. It appears singularly well fitted to meet the requirements of a peasant population, and I am assured that the results have hitherto been highly satisfactory. The system, I should add, has only been a few years in force.

Once or twice each year there is a general meeting of the members of the Agricultural Society resident in each circle. It is usually attended by the Secretary of the Central Department, and by one or more of the teaching staff from the capital. At these meetings the general agricultural state of the circle forms the subject of discussion. The Kreisrath (answering *mutatis mutandis* to the Prefêt of a French Department) presides. I attended one of these meetings, the details of which it would require more space than I can afford to relate. I can only say that it seemed to me in the highest

degree to realize the object of the Society, viz., to impart scientific information in a form accessible to the comprehension of practical men, and available for immediate use. The persons present, about 150 in number, were for the most part either peasants of the small proprietor class or schoolmasters.

(B).—Tenants and Sub-Tenants under Landlords.

Tenure.

The answers to the following questions will have exclusive reference to the case of tenants of large consolidated farms. As I have before had occasion to state, tenants of parcels land fall into the category of peasant cultivators, who hold a parcel here and there, intermixed with the peasant properties, in the arable "mark" of the various communes, and for the purposes of this inquiry I have classed these tenants with peasant proprietors.

(B.) 1. From 200 to 1,200 morgen.

(B.) 2. The usual duration is eighteen years. With scarcely any exception, sub-tenancies are strictly guarded against by express stipulation in the contract.

(B.) 3. Invariably by written agreement.

(B.) 4. Contracts creating tenancies are certified by the Local Courts.

(B.) 5, 6. Under a system of written agreements, in which the conditions of the tenure are invariably laid down in minute detail, customs such as those here adverted to cannot possibly arise. In the mediæval tenures adverted to in the early portion of this paper custom was everything, and, as the natural result, confusion was everywhere. One of the main objects of the drastic legislation, which once for all did away with mediæval tenures, was to uproot custom, to reduce all forms of ownership to the simple and absolute form of "allodial" ownership, and to submit not only landed property, but the use of landed property, to the same strict laws of contract to which all other kinds of property are subject.

Rent.

1. In money.

2. By competition. The farm is put up to auction, the landlord retaining the right to choose amongst the three highest bidders the tenant he considers most likely to suit him.

3, 4, and *Evictions*, 1. The state of the law in the Grand Duchy of Hesse, in connection with the above questions, was explained in my despatch of the 1st of May, 1869, and its inclosures.

Improvements.

1, 2, 3. Permanent improvements, and especially buildings, invariably form the subject of distinct agreement between the contracting parties. As a rule, they are executed jointly by the landlord and tenant, the landlord furnishing the plans, the higher kind of labour, and the materials, and the tenant the carting and the rougher kind of labour. Where no agreement has been come to, and the tenant nevertheless indulges in improvements, the landlord has an absolute right to such improvements on resuming possession.

5. Tenants do not enjoy exceptional advantages of this kind. Tenants of the class to which alone these observations apply are invariably capitalists, who pursue the occupation of farming as an investment for their money.

Miscellaneous.

2. The answer to this question will be sent in a supplementary Report.

Appendix.

The question of food in connexion with labour is one of such elementary importance that my endeavours have been particularly directed towards obtaining reliable data of an exact kind in respect to it. I have felt that it was the more necessary to do so, because, in the able and exhaustive account of continental agriculture given by Mr. James Howard at the meeting of the Farmer's Club last November, that gentleman commits himself to the statement that the condition of the English agricultural labourer is superior to that of any of the same class upon the Continent. He adduces, in support of this assertion, the statement of one of his own employés, who was brought up as an agricultural labourer, who has travelled over a great part of Europe, and who expresses his pity "for people who live on black bread, broth, cabbage, red-herring, and such like." Now, Mr. Howard's theory may or may not be correct, I cannot pretend to have even an opinion on the subject; but I have no hesitation in asserting that, as yet, the data upon which a really sound induction could be arrived at, have not been furnished. An observation like that quoted by Mr. Howard is valueless from a scientific point of view. The unreasonableness of the English labourer's prejudice in favour of white bread is well known. The whiteness is a proof of a deficiency of nutrative quality, and the dark colour, if resulting from the admixture of bran, is a proof of the presence of those qualities. Again, as regards broth, everything will depend upon what the broth is composed of. Hence, until accurate dietaries both as regards volume and chemical contents have been compiled abroad and in England, no safe results can be expected.

I have endeavoured, as far as Hesse is concerned, to supply an accurate working man's dietary of this kind, but the great difficulties I have experienced in doing so have convinced me how far we are as yet from possessing those elementary statistics from which alone safe inductions on these elementary subjects can be made.

The process I employed to obtain the following dietary was the following:— Mr. Ehatt, of Viernheim, who farms about 200 morgen, and employs 9 workpeople (7 men and 2 women), lodged and boarded on the farm, very kindly undertook to keep for many consecutive days an exact register of everything consumed by those labourers; the ingredients of each soup were separately weighed before the soup was made, so also with the potatoes and other vegetables in their cooked state; the milk and brandy were measured, &c. From these materials I put together the quantity of bread, potatoes, &c., consumed by the 9 persons during the six working days of the week (the Sunday dinner is somewhat different and would have complicated the calculation), and submitted the results thus obtained to an analytical chemist, who furnished me with the equivalents of these materials as elements of nutrition.

Food consumed per head during 6 days :—

A.—*Solid Food.*

13 lbs. bread (half rye half barley-meal).	3 lbs. cheese.
12 lbs. potatoes.	1½ lbs. salt pork.
4 lbs. sauerkraut.	

B.—*Ingredients of Soup.*

16 loth pearl barley.	2 loth beans.
22 loth spelt grits.	1 lb. roasted meal.*

C.—*Liquids.*

9 schoppen (= 9 lbs.) milk.	3 schoppen (= 3 lbs.) corn brandy,
1 lb. 10 loth cream (for soup).	40 per cent. alcohol.†

This food analyzed into plastic food and respiratory food, or muscle-making and fat-making food, gives the following results per man per day :—‡

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* 1 lb. English = 0·9072 Hessian lb. 1 oz. English = 1·8144 Hessian loth.

† 1 gallon English = 2·214 Hessian maas = 8·856 schoppen.

‡ The German terms used are "Kraftbildner" and "Fettbildner." I have no English book on physiology to refer to, and do not know the exact English equivalents. The former are nitrogenous, the latter non-nitrogenous. I should observe that in this division the salts are left out of consideration.

Description of Food.	Weight of Food, in Grammes.	Nitrogenous or Plastic Food, in Grammes.	Non-nitrogenous or Respiratory Food, in Grammes.
	Grammes.	Grammes.	Grammes.
Bread	1,083·330	75·83	564·16
Potatoes	1,000	20	230
Sauerkraut	333·330	23·33	360
Cheese	150	46·50	37·083
Meat	125	8·75	61·25
Milk	750	37·50	60
Cream	109·370	..	27·34
Grains	97·330	14·85	68·31
Beans	5·208	1·72	3·125
Meal .. .	83·330	5·833	49·166
	3,736·898	234·313	1,460·384

In addition to the above each man consumes 250 grammes of corn brandy a-day, containing 100 grammes of alcohol.

Notwithstanding that I have taken the greatest pains to be correct, I can only give the above data as approximately correct. The great variety in which the food is dressed, more of one kind being used one day, less another, and so on, forced me in regard to some of the materials, such as cheese and vegetables, to draw an average, and no allowance has been made for the larger quantities consumed by men as compared with women. I believe, however, that the approximation to the truth is a very close one, and that the above Table may be taken as fairly representing the quantity and quality of food consumed by the agricultural wages' class in the flourishing portions of the Grand Duchy of Hesse.

No. 12.

Sir H. Howard to the Earl of Clarendon.—(Received January 31.)

My Lord, *Munich, January 22, 1870.*

I HAVE the honour to inclose a copy of a letter of the 20th instant which I have received from Mr. Fenton, Secretary to Her Majesty's Legation, concerning the Report on the subject of Land Tenure in Bavaria (likewise herewith transmitted), which he has drawn up in accordance with the instructions contained in your Lordship's Circular despatch of the 26th August last.

This Report is the result of the earnest and continuous application which Mr. Fenton has devoted to the study of the intricate subject of which it treats, as well as of the more minute researches which he has instituted since he received, two months ago, the first materials forming the groundwork.

I consider that the Report contains as exhaustive an elucidation of the system of land occupation, of the laws and customs affecting the tenure of land, and of the condition of the agricultural population generally in this country, as the available information on those questions and the limits of a review of this nature admitted, and that it reflects great credit, not only upon the industry, but likewise upon the ability of its author.

I have, &c.
(Signed) HENRY F. HOWARD.

Inclosure 1 in No. 12.

Mr. Fenton to Sir H. Howard.

Sir, *Munich, January 20, 1870.*

I HAVE the honour to inclose herewith a Report on the subject of Land Tenure in Bavaria, which I have drawn up in accordance with the instructions contained in the despatch addressed to you by the Earl of Clarendon on the 26th August last, and which

you communicated to me immediately on my return to my post at this Mission from leave of absence, in the month of October following.

I think it as well to explain that, in preparing this Report, I have followed the same order, with respect to the several different details of the general question treated of, as that observed in the list of questions which was inclosed in Lord Clarendon's above-mentioned despatch, and that the number which will be found to precede each separate section of my Report corresponds with that of the question to which it is intended to reply.

I have, in fact, as far as possible endeavoured to make my Report consist of a series of answers to Lord Clarendon's list of questions, as this seemed to me the most practical, and, for the purposes of reference, the most convenient form that I could give to it.

I have, &c.
(Signed) H. P. FENTON.

Inclosure 2 in No. 12.

Report by Mr. Fenton on the System of Land Occupation, on the Laws and Customs affecting the Tenure of Land, and on the Condition of the Agricultural Population generally, in Bavaria.

Population.—The population of the Kingdom of Bavaria consisted, at the date of the last census, namely, on the 3rd December, 1867, of 4,824,421 persons, of whom 2,374,962 were males, and 2,449,459 females.

Of the aggregate population, 1,220,595 persons were inhabitants of cities and townships containing 500 families (equal, on an average, to 1,934 persons) and upwards, and the remaining 3,603,326 persons resided in hamlets or villages having a population of less than 500 families, and in country seats, farm-houses, cottages, or other isolated dwellings.

The residents in towns, therefore, constitute somewhat less than 25 per cent., and the rural inhabitants rather more than 75 per cent., of the entire population of the kingdom.

The average number of inhabitants to the square German mile (4·611 English miles) is 3,503 for the whole kingdom, but it varies considerably in the different provinces. Thus, in the partly industrial and partly agricultural province of the Palatinate, (on the left bank of the Rhine) which is the most thickly-populated of the eight provinces of the kingdom, there are, on an average, 5,806 inhabitants to the square German mile; whilst, in the most thinly inhabited province, namely, that of Bavaria, an almost exclusively agricultural, but also, in some parts, a very mountainous district, the average number is only 2,673, although in this calculation is included the population, numbering 170,688 souls, of the capital of Bavaria—Munich, which is situated in the province in question.

When the first census under the triennial system (introduced in connection with the establishment of the German Zollverein) was taken in Bavaria, namely, in the year 1834, the population amounted to 4,246,779 souls. The census of 1867, therefore, shows an aggregate increase in the 33 years of only 577,642 souls, or at the rate of somewhat less than $\frac{1}{2}$ (0·412) per cent per annum.

This, however, represents somewhat less than the rate at which the population actually increased during the period in question, as, shortly before the date at which the census of 1867 was taken, Bavaria was deprived, by an exceptional circumstance, of part of her natural population, having been obliged to cede to Prussia, in accordance with the stipulations of the Treaty of Peace of 1866, a portion of territory containing 39,925 inhabitants.

Religions.—As regards the religious persuasion of the Bavarian population, it may be stated in general terms that, according to the returns for 1867, rather more than two-thirds of the inhabitants (viz., 3,439,538) are Roman Catholics, and somewhat less than one-third (1,330,213) Protestants (chiefly Lutherans); while 4,839 are "German Catholics," members of the "Free Religious Community," Anabaptists, or Greeks, and 49,840 are Jews.

The proportion between Catholics and Protestants varies to a very great extent in different sections of the country.

In five out of the eight provinces of the kingdom, viz., in Upper and Lower

Bavaria, Upper Pfalz, Swabia, and Lower Franconia, the Catholic religion greatly predominates; the number of persons who profess that faith forming 96 per cent., 99 per cent., 92 per cent., 86 per cent., and 82 per cent. of the entire population of each of those provinces respectively.

On the other hand, the Protestants are in the majority in the three remaining provinces, namely, Central and Upper Franconia, and the Bavarian Palatinate, in which their numbers represent respectively 76 per cent., 57 per cent., and 54 per cent. of the inhabitants.

Of the Jewish portion of the population, above three-fourths are to be found in the three provinces of the Rhenish Palatinate and Central and Lower Franconia, in numbers varying from ten to fourteen in each province.

Industrial Pursuits.—The most recent statistical returns on this subject are those collected at the end of the year 1861, at which period the population of the kingdom consisted of 4,689,837 souls, being 134,584 less than at the date of the last census taken.

According to those statistical returns the total number of persons employed as managers, overseers, workmen, or workwomen in the manufactories of all descriptions then in operation in Bavaria was about 183,000, distributed as follows amongst the several branches of manufacture.

Cotton, wool, flax, and hemp spinning	10,423
„ „ „ weaving	57,403
Manufacture of glass, china, bricks, lime, &c.	25,521
Brewing, 14,894; distilling, 9,380; corn-grinding, 19,934; and manufacture of tobacco, 2,703	49,232
Tanning, wood-sawing, seed-crushing, &c.	9,969
Manufacture of metal goods of all kinds	8,548
„ paper, pencils, playing-cards, &c.	6,705
„ rough metal	3,347
In mining operations	11,041
Miscellaneous manufactures	843
Total	183,032

There were further employed 329,557 persons as masters, assistants, or apprentices, male and female, in the different retail trades and industrial professions, carried on chiefly for supplying the requirements of the population itself, in contradistinction to the wholesale manufacture of articles mainly destined for the supply of the home retail trade or for exportation

The portion of the inhabitants actually occupied, in the year 1861, as manufacturers, tradesmen, or artizans of every description, but exclusive of wives and children not employed, may, therefore, be estimated at rather more than 500,000, or rather less than a ninth part of the entire population as it existed at that date.

It is, however, to be observed that since the period at which the statistical returns, from which the foregoing details are extracted were drawn up, a thorough change has been made in the laws of Bavaria with reference to the exercise of trades and professions, a law passed by the Chambers at the commencement of the year 1868 having altogether abolished the old and highly restrictive system of close corporations and guilds, and established in its stead one of complete freedom in all such matters. It may, therefore, be fairly presumed that the proportion of the population engaged in trades and other industrial pursuits will have increased considerably as compared with what it was in the year 1861; but no statistical returns bearing on this subject have been made up since the law in question came into force.

Land Occupation.

In connection with this question it may be well to give an outline of the extent and general features of the territory constituting the Kingdom of Bavaria.

The superficial area of the whole Kingdom comprises 21,843,900 Bavarian acres* (18,392,447 English acres), whereof 20,120,141 Bavarian acres are included in what may be termed Bavaria Proper, and 1,723,759 Bavarian acres in the province known as the Bavarian Palatinate, or "Rhenish Bavaria," situated on the left bank of the Rhine, and completely separated from the rest of the Kingdom.

According to the agricultural statistics for the year 1863 (the latest published), the entire superficial area was distributed as follows:—

* The Bavarian acre, or "tagwerk," is equal to 0.842, or a fraction more than five-sixths of an English acre.

	Bavarian Acres.
Rocks and barren lands	525,631
Lakes, ponds, rivers, &c.	301,368
Roads and other highways	356,139
Land forming the sites of houses and house courts	110,991
Arable and grass land and gardens	13,532,515
Forests and woods	7,017,256

The arable and grass lands, and the forests, were owned as follows :—

	Cultivated and Grass Land.	Forest Land.
	Bavarian Acres.	Bavarian Acres.
By private proprietors	12,892,380	3,598,160
By communes, corporations, and endowed establishments	570,414	1,173,803
By the State, or by the Provincial Governments ..	69,721	2,245,293
Total	13,532,515	7,017,256

The number of separate plots or "parcels," into which the 12,892,380 Bavarian acres of cultivated and grass land owned by private individuals was divided, was 14,354,781, the average size of each plot being consequently less than one Bavarian acre.

According to an estimate made some fifteen or twenty years ago, the value of the aggregate extent of productive land in Bavaria, was calculated approximatively as follows :—

	Florins.
Arable land	1,140,099,383
Meadow land	447,441,640
Forests	386,692,560
Total	1,974,235,583

Or about £164,519,630 sterling.

The system under which land is held in Bavaria, is almost universally that of occupation by the proprietor himself, the great mass of the occupiers being small or "peasant" proprietors. Occupation by tenants or sub-tenants is a rare exception to the general rule. There are, however, no statistical returns of any description on record with reference to the question of tenant farmers. It is, therefore, not possible to state what the proportion is between the quantity of land held by that class of occupiers, and that held by proprietors. But that the former constitutes a mere fractional portion of the ground under cultivation in the Kingdom, and that, practically, land occupation, is, in this country, almost synonymous with ownership of land, are facts on which no one whom I have consulted appears to entertain no doubt.

(A.)—Small Proprietors.

The statistics of Bavaria afford no data on which an estimate can be formed as to the quantity of land usually held by any particular class of proprietor.

The only record in the possession of the Statistical Department, on the general subject of the ownership of land in this country, consists of a Return compiled in the year 1863, from the registers of the several communes, or administrative districts of the Kingdom, showing the total number of persons inscribed in those registers as owners of land.

But it must naturally occur, in very many cases, that one and the same person possesses land in several different communes; whilst, under the system of registration by communes, such person would appear as a separate proprietor in the register of each of the communes in which his several portions of land might might be situated.

It follows, that the number of persons so registered must be greatly in excess of the actual number of separate proprietors of land; and the Return above-mentioned can therefore scarcely be considered as affording a basis for calculating even approximatively the average quantity of land owned by each of the aggregate number of persons possessing land in Bavaria.

Such, however, as this Return is, it has been assumed as the foundation for the only estimate which has been drawn up by the Statistical Department with reference to the subject in question.

The details of this estimate are as follows :—

According to the Return of 1863, the total quantity of arable, grass, or garden land owned by private individuals (as distinguished from that belonging to corporations, &c.), was 12,892,380 Bavarian acres, divided into 14,354,781 separate plots.

At the same period the total number of persons registered as owners of land (from the proprietor of an estate extending over a whole commune, down to the day-labourer possessed of a small plot of garden ground), was 1,040,873, or little short of one-fourth of the whole population as it existed at the period in question.

Taking these figures as a basis, they give, as an average for the whole Kingdom, the quantity of cultivated land owned by each registered proprietor (and leaving forest land out of the question), at about $12\frac{1}{4}$ Bavarian acres, divided into $13\frac{4}{5}$ separate plots; but in the several provinces the average varies considerably, as is shown by the subjoined Table, extracted from the Statistical Return above referred to.

	Average Holding of each Proprietor.		
	Bavarian Acres.		Separate Plots.
Upper Bavaria	,25	divided into	14
Lower Bavaria	23	,,	13
Upper Pfalz	18	,,	13
Upper Franconia	11	,,	9
Central Franconia..	12	,,	11
Lower Franconia	7	,,	21
Swabia	16	,,	13·5
Rhenish Palatinate	4	,,	9

According to the same Statistical Return the whole area of woodland belonging to private individuals, viz., 3,598,160 Bavarian acres, was owned by 311,644 proprietors, being at the rate of a fraction more than 11 Bavarian acres to each proprietor.

In the absence of any returns of a more practical character than the foregoing, I have endeavoured to ascertain, by means of enquiries amongst persons conversant with agricultural affairs in this country, what may be considered as a fair estimate of the total number of persons possessing land in the kingdom, and what quantity of land is usually owned by small proprietors, or "peasants" (bauern), as the small proprietors and cultivators, not belonging to the class of nobility or gentry, are styled in Germany generally.

The result of my enquiries, especially of those addressed to Mr. Adam Müller, the Secretary-General of the Agricultural Society of Bavaria, and who has most obligingly given me the benefit of his great experience and information with reference to all those questions on which I have consulted him in connection with the subject of this Report, may be summed up as follows :—

That, as a rough estimate, the total number of landowners of all classes in Bavaria, may be assumed to be somewhere about 500,000, of which total only about 100 are proprietors of estates, or of an aggregate of land (within the Bavarian territory), exceeding 1,000 Bavarian acres in extent.

That the holdings of the peasant proprietors vary greatly in point of size in different districts; but that, as a general rule, it may be assumed that these holdings are largest in the provinces of Upper and Lower Bavaria, Swabia, and the Upper Pfalz.

That they are less considerable in the three Fraconian Provinces, and smallest of all in the Rhenish Palatinate.

That from 40 to 50 Bavarian acres may be considered as a minimum (except in the Palatinate, where the average would be much lower), and about 200 Bavarian acres as the maximum extent of a peasant property.

That there are some few proprietors of this class who own as much as from 300 to 400 Bavarian acres, but that they are quite exceptions to the general rule.

This estimate of the usual size of the holdings is, I should however state, only intended to apply to that class of peasant proprietors who may be considered as agriculturists and nothing else, that is to say, who occupy themselves with, and make their living exclusively out of the profits derived from the cultivation of the land they possess; and not to that numerous class who, whilst owning a small plot of ground which they themselves cultivate, derive their chief support from some trade or profession carried on in their village, or from their calling as day labourers.

It would further appear that, generally speaking, the lands constituting the peasant properties do not lie altogether, but are divided into several plots intersected by other properties of the same description. Indeed, in some districts much inconvenience has

frequently been found to arise from the extent to which the small properties are split up into portions of land lying separate one from the other; and, with the object of remedying this evil, a law was passed in 1861, under which, in given cases, involving the interests of a certain number of owners, a proprietor of land thus parcelled out may, if he refuse to come to an amicable arrangement with his neighbours, be compelled to exchange some portions of his land against some others, so as to render his own holding and that of his neighbours more compact.

It would appear, however, that the measure of coercion permitted by the law is so limited, and the difficulties which attend its application so great, that it has hitherto been of little service in removing the evil against which it was directed.

2. As regards the law regulating the descent and division of landed property in Bavaria on the death of the owner, it may be well to observe, with reference to the general question of legislation, that there is no universal code of laws applicable to every part of this kingdom, there being still a variety of old local laws in force in certain districts which formerly constituted independent States, and which were only added to Bavaria during the early part of the present century, such, for instance, as the Margrarates of Auspach and Bayreuth, the Bishoprics of Bamberg and Wurzburg, the territories of the free imperial cities of Nuremberg, Augsburg, Ratisbon, &c.; and in the Bavarian Palatinate (on the left bank of the Rhine), the "Code Napoléon," which was introduced whilst that province formed part of the first French Empire, still remains to a great extent in force.

I learn, however, that on the particular question of the inheritance of property the laws differ less amongst themselves in the several districts than on many others; and that as a general rule the common law of Bavaria on this subject prevails, with but few modifications, throughout the greater portion of the kingdom, except in the Palatinate where, as already stated, the "Code Napoléon" exists, carrying with it the system of equal division of property amongst all the direct heirs.

It will, therefore, probably be sufficient for the purposes of this Report if, with reference to the question of succession to property, I draw an outline of the provisions of the Common Law of Bavaria ("Bayerisches Land-Recht"), which, I may state, is so called because it is the original law of the Electorate of Bavaria, such as it existed previous to the dissolution of the German Empire, when it consisted of little more than the territory now comprised within the limits of the three Provinces of Upper and Lower Bavaria and the Upper Pfalz, which are, on that account, commonly designated at the present day as the "Old Provinces" of the kingdom.

I should, in the first place, state that, as concerns the rights of inheritance, the Common Law of Bavaria draws no distinction between one description of property and another; that is to say, between real and personal property, both being subject to the same rule, except in the case of the *fidei commissa* or entailed properties belonging to certain noble families, the succession to which is placed under special laws and regulations, a more detailed reference to which would be superfluous in the present Report.

The general provisions of the common law of Bavaria, regulating the descent and division of property on the death of the owner, are as follows:—

A proprietor is bound to bequeath, at his death, a certain defined portion of his property to be divided in equal shares amongst all his legitimate children. That portion must be not less than one-half, if the number of children be five, or more than five; and not less than one-third if there be four, or less than four, children.

If the portion of the property required by law to be left to the children consist of house or land, the eldest son (or the second, if the eldest be an ecclesiastic) may retain the whole of such portion himself on indemnifying the other heirs for their share of it, provided an amicable arrangement to that effect can be come to with them.

If no agreement of this kind, or for the division of the portion in question of the property, can be come to, it must be sold, and the sum realized be divided equally amongst all the children.

In practice, the former alternative, *i.e.*, that of leaving the real property, and especially the land, in the hands of the eldest son, is generally adopted,—amongst the small or peasant proprietors, almost universally, particularly in the "Old Provinces" (but not in the Palatinate).

Amongst that class the almost invariable custom is for the testator to leave the whole of the real property—farmhouse, farm buildings, and land—in the possession of one member of the family, commonly the widow or the eldest son, and that person then becomes responsible to the children for the payment to them of a sum of money corresponding to the value (as ascertained by official appraisement) of their share of the property, the children's share being generally fixed at one-half of the whole, real

as well as personal. The mode and period for making this payment is, in most cases, settled by amicable arrangement amongst the parties concerned, but, pending the payment, the amount remains as a formal legal charge upon the property, and must be registered as such in the "Book of Hypothecations of the District."

Such funds in ready money or convertible securities as the testator may have left are available towards paying off the childrens' shares, and the remainder is usually raised by the new proprietor by means of a mortgage on his farmhouse and lands.

It is further a universally-understood condition of an arrangement of the nature above-described, that the person who remains in possession of the property and becomes its owner, is bound during a certain number of years (after the payment of their shares to all the children) to provide any one or all of them with board and lodging at the homestead, in the event of their falling into distress from sickness, want of employment, &c.

It should be added that in the event of a peasant proprietor dying without having made any testamentary dispositions (which is an extremely rare case, as these are generally embodied in the contract for the settlement of the property, which is invariably drawn up when a peasant marries), one of the sons generally assumes possession of the property, and comes to an understanding with the remaining heirs as to the mode of indemnifying them for their shares of it.

The foregoing is naturally only a general outline of the system usually followed by the Bavarian peasants, and more especially by the peasants of the great agricultural districts of the "Old Provinces" with respect to the transmission of their property; and the details of this system naturally vary somewhat according to particular local customs, and in special cases; and I may observe that in some districts the system above-described is so far modified that peasant proprietors frequently transfer the whole of their property during their lifetime to one of their sons or other heirs, on certain specified conditions with reference to their own maintenance during the remainder of their life, and to the payment, in due time, to the other members of their families, of the shares of the property to which they are by law entitled.

It will be seen from the foregoing that the main principle governing the system of descent of landed property amongst the small proprietors, is that of keeping the land together as far as practicable in the form of a family estate in the hands of one member of the family; and that a feeling in favour of this principle, and averse to that of subdivision, is entertained amongst the peasant population in general of Bavaria Proper, would appear to be an undoubted fact. Indeed, this is sufficiently proved by the mere existence, on so extensive a scale, of the system above described, for it is to be remembered that the adoption of this system is purely spontaneous, there being no law in force in any part of Bavaria at the present day which imposes the slightest restriction on the subdivision of landed property. And the peasants of the old provinces could, if they were so disposed, at once introduce the same system of dividing their lands in equal shares amongst all their children, as is generally followed in the Palatinate. But I am assured that except in that province, and in some districts in Franconia, a case of this description really occurs.

The legacy-duty payable on all real property inherited, consists, firstly, of the so-called "Re-registration Tax," amounting to half a kreutzer per florin* (5*s.* 6*d.* per cent.) on the value of the property, according to official estimate.

This is the only duty paid by relations in the first degree. Other more distant relations pay an additional tax, varying from 1 kreutzer to 3 kreutzers per florin, according to the degree of relationship.

3. The legal method used for the sale, transfer, exchange, or division of land, or other real property, is that prescribed by the Notarial Law of November 10th, 1861. According to that law, all transactions of this description, in order to be valid, must be set forth in a formal Notarial Act. And the notary by whom the Act is drawn up must exhibit the same to the competent Civil Tribunal of the district, in order that it may be entered in the records of that tribunal. After it has been so entered, the fact is endorsed on the document itself. This is then returned to the notary, in whose custody it remains, he being the authority legally responsible for its safe keeping. Certified copies of the Notarial Act are then given by the notary to the parties concerned, and the transaction is completed.

If there be any mortgage charged upon the property, to which the Notarial Act refers, the notary must likewise present this document to the Keeper of the Register of Mortgages, in order that the change of ownership of the property may be duly entered under the proper head in that register.

* The Bavarian florin contains 60 kreutzers, and is worth 1*s.* 8*d.* sterling.

The costs attendant upon transactions of the above-mentioned character come under three different heads, namely,—

Notarial Fees,
Government Tax,
Government Stamp.

The Notarial Fees, as regulated by the Law of 1863, are as follows:

30 kreutzers* (10*d.* sterling), if the value of the property to which the transaction refers does not exceed 50 florins.

For operations referring to larger sums, the Notarial fees are regulated according to the following scale, viz.:—

On amounts varying from	50 to	200 florins	1	per cent.
,,	200	600 ,,	$\frac{1}{2}$	,,
,,	600	2,000 ,,	$\frac{1}{4}$	,,
,,	2,000	10,000 ,,	$\frac{1}{6}$	,,
If above	..	10,000 ,,	$\frac{1}{15}$	,,

But the maximum Notarial Fee, whatever the sum involved in the transaction may be, is fixed at 150 florins.

With reference to the Sale or Lease of Real Property, when several transactions of this nature are completed by the notary for one and the same person at one sitting, the Notarial Fee is to be calculated according to the rate chargeable on the sum-total represented by the entire property concerned in the several transactions, and not according to that which would be chargeable upon each transaction separately.

The Government Tax, as fixed by the Law of 1852, payable on all contracts, or other public acts, concerning the Sale of Property, presented to a Civil Court of Justice for registration, by which such act becomes a valid legal document, is half a kreutzer per florin, 5*s.* 6*d.* per cent. on the value of the property to which the Act has reference.

In calculating the amount of tax to be paid, no deduction is to be made from the the value of the property to which the transaction refers, in consideration of any mortgages charged upon it.

The Government stamps required for all Public Acts of the above-mentioned description, are apportioned, according to the value of the property, as follows:—

On a sum under	49 florins	3	kreutzers
From ..	50 to 99 ,, ...	6	,,
,, ..	100 299 ,, ...	15	,,
,, ..	300 499 ,, ...	30	,,
,, ..	500 999 ,, ...	1	florin.
,, ..	1,000 1,999 ,, ...	2	,,
,, ..	2,000 2,499 ,, ...	3	,,
,, ..	2,500 2,999 ,, ...	4	,,

and for every additional 500 florins an additional florin.

Taking, therefore, as an instance, the sale of a property worth 10,000 florins (about 833*l.* sterling), the total amount of costs to be incurred in the transaction would be as follows:—

	Fl.	kr.		£	*s.*	*d.*
Notarial fee	16	40	=	1	7	9
Government tax	83	20		6	18	11
Stamps	19	0		1	11	8
Total	119	0		9	18	4

being at the rate of a fraction less than $1\frac{1}{5}$ per cent.

4, The only institution in Bavaria established with a special view to affording facilities for the raising of loans upon landed property, is the "Mortgage and Exchange Bank of Munich."

This bank, which may be considered, for all practical purposes, as the Bank of Bavaria, was founded in virtue of a special law passed in the year 1834. It is not, strictly speaking, a Government bank, but is a joint-stock establishment placed under the control of the Government.

It has a capital of 20,000,000 florins (1,666,667*l.* sterling), three-fifths of which it is bound by its statutes to lend out on mortgage on landed property at a yearly rate of interest of 4 per cent. In return for this, it has the exclusive privilege of issuing bank notes in Bavaria, the aggregate amount of these notes being limited to 12,000,000 florins (1,000,000*l.* sterling). The notes of this bank though not, as I am informed,

* The Bavarian florin consists of 60 kreutzers. Three kreutzers are equal to one penny, and 1 florin to 1*s.* 8*d.* sterling.

absolutely a legal tender in place of specie, are universally accepted as current money, not only throughout Bavaria, but in southern Germany generally.

The amount for which in each case this bank advances money on the security of landed property, must not exceed one-half of the value—as appraised by the bank itself—of the property to be mortgaged.

This bank was further authorized by a Royal Decree, dated February, 1864, to issue mortgage-debentures ("Pfandbriefe"), bearing 4 per cent. per annum interest on the security of real property of every description specially hypothecated to it.

The debentures issued which, as in the case of the mortgages, must not exceed in amount half of the estimated value of the property on which they are secured, are made over in place of an advance of money to the owners of the property, and being readily saleable in the open market, the result, so far as their market value goes, is the same to the proprietor as a loan of money; but there is this important difference, that whilst the debentures are issued to the proprietor at their full nominal value, *i.e.*, at par, they can only be disposed of (bearing as they do, no more than 4 per cent. interest) at the price of about 90 per cent. On the other hand, the bank receives them back at par whenever the proprietor is able to redeem the mortgage on his property.

The advantage derived by the bank from these operations consists in receiving from the owner of the property interest at the rate of $4\frac{1}{2}$ per cent. on the loans represented by the debentures, whilst only paying, as already stated, interest on the debentures themselves at the rate of 4 per cent. By means of an annual payment (beyond the regular interest), varying in amount, according to the arrangement made with the bank, from $\frac{1}{2}$ to 6 per cent., the redemption of the debentures may be accomplished, and the debt cancelled, within a period ranging from 52 to $13\frac{1}{2}$ years.

The aggregate amount of mortgage-debentures of this description at the present time in existence, is about 60,000,000 florins, or 5,000,000 sterling.

There is, in addition to the Mortgage Bank of Munich, the Royal Bank of Nuremberg (a Government establishment) by which advances of money are made on the security of real property; but I am informed that this bank, as a general rule, confines its operations of this nature to loans on the security of house property.

The principal money sources, however, open to the small proprietors, and those to which the peasants are more especially in the habit of applying for loans of money on the security of their farms, are, firstly, the trust-funds belonging to the parish churches, which consist chiefly of the accumulations of legacies left by private individuals for the purpose of keeping the churches in repair, for providing the requisites for performing the services, &c.

Secondly, the "General Military Fund," arising for the most part from the money which every officer who marries is obliged, according to the regulations of the military service of Bavaria, to deposit, in order to provide a maintenance for his widow in the event of his dying whilst in the service, and on which, so long as the money remains in deposit, he receives a certain fixed rate of interest; and thirdly, the funds in the hands of the General Administration of Endowments at Munich.

From these several funds, which consist, in the aggregate, of a very considerable sum, the peasant proprietors readily obtain money on mortgage on their lands, at rates varying from 4 to 5 per cent. per annum, but such advances are, as a rule, limited to sums representing not more than one-third, or the half of the value of the farms mortgaged.

5. Under the system already described as that according to which the peasant properties are commonly bequeathed by the owners to their heirs, it will be readily understood that at least a large number of these properties are more or less heavily mortgaged, but, so far as I have been able to ascertain, this state of things does not exist to such an extent as to press unduly on the proprietors generally, or to interfere seriously with their property as a class.

6. Every mortgage on real property in Bavaria must have the character of a special mortgage, that is to say, must be charged specifically upon a certain defined property or portion of property; and the act must be a public one,—*i.e.*, must be performed through the medium of a public notary. In order to be valid at law, all such mortgages must be registered in the "Public Register of Mortgages," kept under the special supervision of the competent civil authority of each administrative district.

The legal expenses attendant upon the raising of mortgages on real property are, as in the case of sales, &c., of three different descriptions, viz:—

Notarial fees,
Government tax,
Government stamp.

The Notarial Law of 1862 provides that—for drawing up documents or making the requisite applications or declarations to the Civil Court in matters connected with the raising, foreclosing or limitation of mortgages,—the remuneration of the notary shall be calculated according to the time employed by him, and at the rate of 1 florin per hour, except in the case of mortgages not exceeding 100 florins in amount, in respect of which the notarial fee is limited to half a florin.

As regards the Government Tax, for the mere act of registering a mortgage in the Public Register no fee is chargeable, but if preliminary proceedings before the Civil Court, such as Examination of Title Deeds, Deciding on Protests, &c., should be necessary before the mortgage can be registered, a Protocol Fee of 36 kreutzers is payable to the Court, provided the proceedings be simple and short. If the proceedings occupy the Court half a day or a whole day, the fee to be charged is 2 florins or 4 florins respectively, except in the case of mortgages not exceeding the sum of 100 florins, in respect of which the fee payable to the Court can never amount to more than 2 florins.

In those cases in which a special document has to be drawn up by the Court with reference to the mortgage, a tax at the rate of a $\frac{1}{4}$ of a kreutzer per florin (a small fraction more than $\frac{3}{8}$ per cent.) on the sum to be advanced is charged in full of all costs of the proceedings before the Court.

For the simple foreclosing or cancelling of a mortgage before the Court, no costs are charged.

The charge for the official valuation of real property, with a view to the creation of a mortgage, varies from $\frac{1}{2}$ a florin to three florins, according to the time occupied in the operation.

All minor or incidental papers or documents having reference to proceedings connected with a mortgage must bear a Government stamp of 3 kreutzers; more formal documents, such as receipts, certificates, &c., a stamp of 15 kreutzers, and the formal Notarial Act, by which the mortgage itself is created, must bear a stamp calculated at the rate of 1 florin for every 500 florins on the amount of the sum raised, or at the rate of $\frac{1}{2}$ per cent.

7. As regards the crops raised, and the general mode of cultivation adopted in Bavaria, I need scarcely say that the former necessarily vary to a very great extent in different provinces and localities, according to the conditions of soil and climate.

The general character of the more important agricultual features of the several provinces of the Kingdom may be briefly described as follows:

On the continuous range of high ground which extends from the shores of the Lake of Constance on the west, to the confines of Upper Austria on the east, completely across the southern division of the two Provinces of Swabia and Upper Bavaria, pasture-land predominates, and in that district the breeding of cattle, and the production of cheese and butter, constitute important interests. In the plains of the central and northern portions of those two provinces, and in the Provinces of Lower Bavaria and the Upper Pfalz, are to be found the great corn-growing districts, though in every one of the eight provinces of this Kingdom large quantities of grain of all descriptions are grown, the total production of grain, in proportion to population, being larger in Bavaria than in any other of the more important States of Germany, and second only to that of France and Belgium.

In the Franconian Provinces and in the Rhenish Palatinate, a very considerable extent of land is appropriated to the cultivation of hops, of the vine, and of tobacco, Central Franconia being more especially the chief hop-growing district, and the Palatinate that which produces the largest quantity of wine and tobacco, whilst there are, likewise, some extensive wine-growing districts in Lower Franconia, more particularly in the immediate neighbourhood of Wurzburg, where the well-known "Stein-wein" and other superior descriptions of white wine are made.

Potatoes are produced in considerable quantities in every province, but to the greatest extent in the Palatinate, which is also the greatest fruit-growing district of the Bavarian Dominions. Indeed that province may be described as, generally speaking, the most fertile and as producing the greatest variety of crops of any in the Kingdom.

The largest extent of forest is to be found in the three Provinces of Upper and Lower Bavaria, and the Upper Pfalz, in each of which there are from 1,000,000 to 1,500,000 Bavarian acres of wood. In the remaining five provinces the extent of forest ranges from 600,000 to 800,000 Bavarian acres in each. The forests of the Southern and Eastern portion of the Kingdom, viz., in Upper and Lower Bavaria, Swabia, and the Upper Pfalz, consist for the most part of pine and fir trees. In the forests of the Franconian Provinces and of the Palatinate, beech and oak predominate.

With reference to the crops raised in Bavaria, the following Return, extracted from the agricultural statistics for the year 1863, shows the aggregate quantity of land appropriated to the cultivation of each description of crop during that year, and also the total yield of each crop :—

	Land under Cultivation.	Yield of Crop.
	Bavarian Acres.*	Bavarian scheffel.†
Wheat	854,792	1,917,090
Rye	1,739,034	3,898,413
Spelt	387,509	2,091,183
Barley	998,547	2,763,159
Oats	1,334,171	4,104,399
Peas, beans, &c.	146,694	308,477
Maize	2,254	7,717
Buckwheat	5,306	8,780
Millet	9,402	21,424
Potatoes	773,494	10,851,923
		Eimers of wine.‡
Vines	65,066	954,023
		Bavarian cwt.§
Hops	51,823	122,196
Flax and hemp	132,939	474,417
Tobacco	15,993	148,839
		Bavarian scheffel.
Rape and poppy	34,626	79,657
Miscellaneous	10,359	..
		Bavarian cwt.
Clover, lucerne, and other fodder for cattle	858,094	15,566,468
Ditto, as after-growth	6,536	63,730
Beet-root and turnips	193,413	13,286,531
Ditto, as after-growth	164,250	5,052,742
Hay meadows	3,549,826	51,577,967
Garden ground	207,463	..

There were besides 1,395,398 Bavarian acres of land lying fallow, and 766,310 Bavarian acres of pasture land (chiefly mountain).

The foregoing distribution of the land, according to crops, may therefore be summarized as follows :—

	Bavarian Acres.
1. Corn, and other grain for human food	5,479,709
2. Potatoes	773,494
3. Vines, hops, flax, hemp, tobacco, oil seeds, &c.	310,806
4. Hay, clover, beet-root, and other fodder for animals	4,601,333
5. Gardens	207,464
6. Pasture land	766,310
7. Fallow	1,395,398

The total produce of wood, as returned for the year 1863, from the 7,017,256 Bavarian acres of forest comprised in the whole kingdom was as follows :—

	Bavarian Klafters.‖
Timber	2,799,906
Branches, roots, &c., used chiefly as firewood; and 52,634,700 faggots	276,415

The system of cultivation most generally, in fact, it may be said almost universally, followed in Bavaria, especially by the small or peasant proprietors, is that known as "three-field farming" (Drei-felder-Wirthschaft), which consists of a triennial system of rotation, more or less according to the following order :—

First year: A crop of winter grain, *i.e.*, wheat or rye, according to soil and climate.

Second year: Summer grain (barley or oats), or hemp, flax, hops, oil seeds, &c,

Third year; Fallow or half-fallow, *i.e.*, potatoes or clover.

The proportion between tillage and meadow land, was as follows in the year 1863 in each of the eight Provinces of Bavaria, the figures showing the proportion of each description of land to every 100 Bavarian acres of the total area of both :—

* 100 Bavarian acres is equal to 84⅕ English acres. † 1 Bavarian scheffel is equal to 6⅛ imperial bushels.
‡ 1 Bavarian eimer is equal to 14 1/10 imperial gallons. § 1 Bavarian cwt. is equal to 123½ lbs. avoirdupois.
‖ The Bavarian klafter contains 126 cubic feet.

Province.	Tillage.	Meadow Land.
	Bavarian Acres.	Bavarian Acres.
Upper Bavaria	613	387
Lower Bavaria	714	286
Palatinate	841	159
Upper Pfalz	755	245
Upper Franconia	750	250
Central Franconia	802	198
Lower Franconia	840	160
Swabia	620	380
General average for the whole Kingdom ..	722	278

If to the meadow land be added the area of pasture land, the general average proportion for the whole Kingdom, between grass lands generally and tillage, would be as about 319 to 681 in every 1,000 acres.

The system of pasturing horned cattle in the fields is but little practised by the small or peasant proprietors of Bavaria generally. Their cattle is, as a rule, kept in stables or sheds, and there fed with hay or other fodder grown specially for that purpose.

The districts in which exceptions to this rule are most frequently to be met with are the high lands of the provinces of Upper and Lower Bavaria and Swabia, which are, as already stated, more especially the cattle-breeding provinces of the Kingdom.

Cattle fattened for the market is, generally speaking, kept by the owners of the larger class of estates, and is fed in-doors chiefly on the grains from the brewery, which is usually to be found on every estate of a certain size, and which plays an important part in the economical arrangements of the property. It enables the proprietor to supply the peasant population of the neighbourhood with beer, and from this he derives a certain amount of profit. With the grains from the beer he fattens his cattle for the butcher, and the cattle supply the manure necessary for the cultivation of his land.

The stock of cattle in Bavaria is a large one, larger, in proportion, it would appear, than in most other countries of Continental Europe.

The statistical Return of horned cattle for the year 1863 gives the following figures :—

Draught oxen	432,044
Fattened „	19,231
Bulls	39,384
Cows	1,530,526
Young Cattle	806,937
Calves	357,760
Total	3,185,882

Of the foregoing aggregate number, above one-half, namely, 1,638,664 head belonged to the three provinces of Upper and Lower Bavaria and Swabia. The stock in each of the five remaining provinces varied from about 220,000 to about 350,000 head, the Palatinate having the smallest number of any.

Draught oxen are extensively employed in farming operations in Bavaria, as may be inferred from the very large number of these animals comprised in the foregoing general Return of cattle, namely, 432,044, being more by above one-third than the entire number of draught horses (296,683) owned at the same period in the whole kingdom.

The total number of sheep and lambs in Bavaria in 1863 was 2,058,638; that of the swine, 926,522; and of the goats, 150,855.

8. The employment of machinery, as a substitute for manual labour, on the peasant properties, may be broadly described as being confined to the use of threshing-machines worked by means of steam.

Within the last six or eight years machines of this description have come into very general use all over Bavaria; and it has been stated to me, on good authority, that probably not less than one-half of the aggregate quantity of corn raised in this country, is, at the present day, threshed out by steam. These machines, which are commonly owned by local associations, or by the more wealthy landed proprietors, are moved about from one district to another, and are let out at a fixed price.

Only one steam-plough has, I am informed, been as yet brought into Bavaria; and it would appear that, owing to the nature of the soil on which it was tried, the experiments made with it were not very successful.

On the larger properties of the nobles, drill-machines and other implements of husbandry of modern invention are very generally in use, but are, as I [illegible] not much

known amongst the peasant proprietors. Their use is, however, on the increase amongst this class, and within the last few years several manufactories of implements of this nature—copied from specimens originally imported from abroad, and chiefly from England and the United States—have been established in Bavaria, as well as in the neighbouring States of Wurtemberg and Baden; and opportunities for becoming acquainted with the products of these manufactories are afforded to the peasant proprietors by the agricultural shows and exhibitions which are held at stated periods and in different localities under the auspices of the Provincial Agricultural Societies.

With reference to the number of hired labourers and other person employed in field operations, the latest general Returns are those collected in the year 1852.

According to those Returns the agricultural labouring population was as follows:—

	Families.	Individuals.
1. Day-labourers, possessing house or land ..	108,021	426,511
2. Day-labourers, without house or land	82,958	245,387
3. Farm servants living with their employers ..	..	459,382
Total individuals	..	1,129,280

This total being equal to 27 per cent. of the entire population of Bavaria as it existed at the period in question.

But these figures naturally afford no guide for ascertaining the number of persons actually employed in field labour, as on the one hand, the young children incapable of working—but whose number it would be difficult to determine—must be deducted from the total number of "Individuals" included in the foregoing Return, whilst, on the other hand, the great majority of the peasant proprietors themselves must be added to it, as they universally take part in the labour of the field in common with their farm servants and hired labourers; and, as already stated, the number of peasant proprietors is not to be gathered, even approximately, from any existing statistical Returns.

There are, consequently, no authentic data for arriving at a conclusion of the average numbers of persons actually employed per acre in the cultivation of the soil. But I am informed that, in practice this number may, as a general rule, be assumed at about one person to every ten Bavarian acres in those districts where tillage predominates over grass land, and proportionately less where the order of cultivation is the reverse; whilst on those lands which are appropriated to special growths, requiring more than ordinary care and attention, such as tobacco or grape-vines, the number of persons employed is much larger.

As an instance of what may be considered as the average working establishment on a peasant's property of 100 Bavarian acres, distributed, as regards the proportion between tillage and grass, in the manner usual on properties of this description in Southern Bavaria generally, the following estimate has been given me by an experienced agriculturist:—

The proprietor himself and, to some extent, his wife also; Six to seven male farm servants or day labourers, (the proprietor's grown-up sons, if he has any, being counted amongst this number); two female farm servants.

But it should be observed that this estimate represents the average, for the whole year, of the number of hands employed, and that it is consequently somewhat above the average for the winter months, and somewhat below that for the more busy seasons.

With regard to the cost of field labour, the subjoined Table, extracted from the Statistical Returns for the year 1863, shows the rate of remuneration to day labourers and farm servants, male and female, in each of the eight Provinces of Bavaria; but it should be stated that the rates here given do not represent merely the amount paid in money, but the money wages, with the addition of the value of the food and other articles supplied, according to custom, to the farm servant or day labourer, as the case may be:—

Province.	Daily Wages of Labourers.		Yearly Wages of Farm Servants, including Cost of Food.	
	Male.	Female.	Male.	Female.
	Kreutzers.	Kreutzers.	Florins.	Florins.
Upper Bavaria	56	41	208	153
Lower Bavaria	42	38	167	142
Palatinate	35	26	173	126
Upper Pfalz	36	31	153	123
Upper Franconia	37	29	159	128
Central Franconia	48	37	175	144
Lower Franconia	41	32	160	131
Swabia	51	40	188	140
General average for the whole Kingdom ..	43	34	173	136
In sterling money	1*s.* 2⅓*d.*	11⅓*d.*	£14 8*s.* 4*d.*	£11 6*s.* 8*d.*

These rates of remuneration are from 25 to 30 per cent. higher than those paid ten years previously (in 1853), the chief cause to which this state of things is attributed, being the great demand for labour, at comparatively high wages, which has been created in latter times by the extensive railway works which have been in progress in Bavaria, and by the development which has at the same time been given to manufactures in some districts (especially in Franconia, Swabia, and the Palatinate), and also to mining operations, the demand thas created having been supplied mainly by the agricultural labouring population. A growing tendency, on the part of the latter, to leave their rural occupations and migrate into the towns, has no doubt also gone far towards raising the standard of wages in the country, whilst the increase in the price of food of all descriptions, which has taken place within the last 15 or 20 years, has tended to raise the cost of maintenance of farm servants, an item which, as already stated, is included in the rates of wages as given in the foregoing Table.

9. No special record is kept as to the class to which persons emigrating from Bavaria belong. It may, however, be assumed that the agricultural population contributes its fair share towards the total number of emigrants who leave the country every year; as it has been observed that the stream of emigration flows principally from those districts in which the class of agricultural labourers is the most numerous, and especially from the Rhenish Palatinate, which, as already stated under the head of population, is in proportion to its size, by far the most numerous province of the Kingdom.

Emigration from Bavaria has not, however, been carried on to any great extent in recent times, the official records showing that the number of persons who emigrated to America and other non-German States during the eight years from 1860 to 1867, inclusive, ranged from a minimum of 1,482 in 1861, to a maximum of 5,791 in 1866 —the year of the war in Germany. For the year 1868 the number was 4,726, of whom 2,063, or nearly 44 per cent., went from the one Province of the Palatinate. From 1,000 to 1,300 persons also emigrated during each of the years in question to other German States; but about an equal number came into Bavaria annually from those States.

Of the total number of persons who emigrate, about one-third, on an average, leave the country surreptitiously, that is to say, without obtaining the proper authorization from the Government.

It does not appear that emigration from Bavaria can be attributed to any specific cause beyond a genuine desire, on the part of those who emigrate, to improve their condition. It has, however, been remarked that, generally speaking, the greatest number of persons emigrate from this country during those years in which the price of grain is the highest. As regards the male emigrants who leave the country without authorization, their main object is, in most cases, that of avoiding military conscription.

10. It may be laid down as a very general rule that small proprietors of land in Bavaria do not live on their properties, but that they reside in villages or small groups of dwellings.

On this point, however, as on so many others connected with agriculture, a material difference exists in different localities: and though there are no Returns from which detailed information on this head can be gleaned, it would appear that, generally speaking, single farmhouses and very small villages are more frequent in the southern

division of the kingdom, namely, in Upper and Lower Bavaria and Swabia, than in the Northern Provinces, and in the Palatinate.

11. In a country constituted as Bavaria is, containing within its boundary every gradation of upland and lowland, and inhabited by three originally distinct races, which still differ, in many respects, materially one from the other—namely, the Bavarian, the Swabian, and the Franconian—there exists, as a matter of course, very considerable difference as regards the housing, feeding, and clothing of the rural population in the different sections of the kingdom inhabited by those races respectively.

But, from all the information I have been able to collect on the subject, I believe that it may be safely affirmed, in general terms, that the agricultural population—that is to say, the peasant proprietors, the farm servants, and the day labourers—are well fed, well clothed, and well housed; and that, in these respects, as well as in general prosperity and well-being, they may compare favourably with the rural population of any State in Europe.

As a rule, the peasant proprietors of the Southern Provinces are those who own the largest quantity of land, whilst the wealthiest men of this class, as regards money, are to be found in Central Franconia. The smallest holdings are those of the Palatinate, and, individually, the proprietors are probably the poorest in that locality, although the province, as a whole, is the most productive and one of the richest in the kingdom.

The social condition of the peasant proprietor in the Southern Provinces differs in no perceptible degree from that of the men he employs on his farm. His education, his habits, and his dress are much the same; he, in fact, remains thoroughly a peasant, the main distinction between himself and his men being that the one is richer than the other.

In the Franconian Provinces and in the Palatinate the case is very different, the peasant proprietors in those provinces being, as a general rule, superior, as a class, to the ordinary run of agricultural labourers, both as regards education and knowledge of husbandry, and in social standing. They likewise generally adopt a different description of dress.

There is further a marked difference in the general character of the peasants of the Northern and the Southern Provinces, inasmuch as the Franconian is frugal and economical, whilst the Bavarian of the South is fond of copious fare, and is of a somewhat reckless and extravagant turn. With reference more particularly to the question of food amongst the peasantry of the different provinces of this kingdom, a work published in the year 1862, under the auspices of the Agricultural Society of Bavaria, gives some details, of which the following is a summary:—

In the Southern Provinces the favourite and almost universal food of the rural population consists of meal prepared in various ways and forms, with butter, fat, or milk.

Vegetables are not much in favour, and almost the only description eaten are cabbages (chiefly in the form of sauer-kraut), turnips, and potatoes.

Fruit is only known in a few localities. Meat is seldom eaten, except on holy days or other special occasions, and then, as a general rule, veal or young pork. Beef is scarcely ever eaten, although the provinces in question constitute more especially the cattle-breeding district of the kingdom.

In the provinces to the north of the Danube, especially in the country surrounding Nuremberg, Bamberg, and Schweinfurth, and in the Rhenish Palatinate, where field-gardening is extensively carried on, vegetable diet is very general, and potatoes form a never-failing element in the daily fare. Beef, mutton, and pork,—the latter both fresh and cured,—are also much in use. Dishes composed of meal are only eaten on festive occasions, the custom in this respect being the reverse of that observed in the Southern Provinces.

The districts in which the agricultural population eats the most meat are the fertile valleys of the Franconian rivers, especially of the Altmühl, the Itz, and the Maine, and in the country round Ochsenfurth, in all of which districts meat forms part of the peasant's fare on two or three days of the week, and invariably on Sundays.

Coffee, usually in combination with dried chicory, or some other similar substitute, is in general use in the Northern Provinces. In the Southern Provinces it is but little known.

The Franconian peasant keeps pigs for his own consumption, and fattens them in the stye. The peasant of Southern Bavaria allows his pigs to roam in the fields, and kills them when still small and thin, and generally when weighing less than 50 lbs.

Potatoes are very little known in the hilly regions of Southern Bavaria. They are more frequently eaten in the plains lying between that district and the Danube, still more so in Swabia, Central and Lower Franconia and the Palatinate, and in the Upper Pfalz and Upper Franconia they constitute a staple article of food.

Beer, the truly national beverage of Bavaria, is not consumed in such large quantities by the agricultural population as by the inhabitants of the towns, and, as a general rule, only an inferior description of small beer (known by different names in different localities) is given to the farm servants and day labourers.

As regards the fare of the farm servants, I find in the work above referred to a Table of the regulation allowance of food made to this class on the Crown estates in the Southern Provinces, and it would appear that the same scale of allowance is adopted on many of the larger properties in those districts; but it is no doubt considerably more copious than the customary standard for the farm servants of the peasant proprietors, especially as regards the rations of meat.

The following is the regulation allowance in question, as calculated for each farm servant for the whole year :—

			Average Value. Fl.	krs.
Wheat	1 scheffel weighing	300 Bavarian lbs.*	15	0
Rye	2 „	560 „	24	0
Meat (3 times per week ¾lb. and on 8 great holy days in each year 1 lb.)	total	125 „	18	45
Dairy produce :—				
Butter		12 „	4	48
Milk (2 lbs. daily)		730 „	12	10
Vegetables :—				
Potatoes	1 scheffel weighing	300 „	3	0
Peas, cabbage, &c.			10	0
Beer (on 9 holy days 1 mass†)	9 mass		0	54
Salt	30 lbs.		2	0
Vinegar	12 mass		0	36
Miscellaneous allowances			1	0
Total value			92	13
Equal to			£7	13*s.* 6*d.*

But, with respect to the average value of the above-mentioned commodities, it should be observed that, since the date of publication of the work from which the foregoing statement is taken, the price of provisions, in general, has increased in most parts of Bavaria by 15 or 20 per cent.

12. I have already stated that there are no statistical Returns from which the number of any particular class of landed proprietors, nor even the aggregate number of proprietors of all classes, can be gathered with accuracy, the only statistics on record, with reference to the agricultural classes, being the Returns for the years 1840 and 1867 of the portion of the population inhabiting villages and exclusively rural districts, and a Return (for 1852) of the number of agricultural day labourers and farm servants.

It is, therefore, not possible to form even an approximative estimate as to "the average population per acre, or the increase in the population amongst the small proprietors as compared with the urban population," the only estimate in connection with this subject for which existing statistical data offer any basis, being that of the number of inhabitants, taking the agricultural population generally, for every Bavarian acre of arable and grass land, and of the increase of that population as compared with the increase amongst the population of the cities and towns.

As regards the first point, the census of December 1867 gives (as already stated) the population inhabiting villages and rural districts at 3,603,826 persons, and the total area of arable and grass land at 13,632,515 Bavarian acres. Assuming that the entire number of persons returned as rural population belong exclusively to the agricultural class, the average density of the population in the country districts would be at the rate of one inhabitant to every 3·755 Bavarian acres.

If the forest land (consisting, in the aggregate, of an area of 7,017,256 Bavarian acres) be included in the calculation, the average would be one inhabitant to every 5·702 Bavarian acres of land.

With respect to the question of the increase in the rural population generally, compared with that amongst the population of the towns, the following figures show the number of individuals comprised in these two sections of the population at

* 1 Bavarian lb. is equal to 1 lb. 3¾ oz. avoirdupois.
† 4¼ Bavarian mass is equal to 1 imperial gallon.

two different periods, separated by an interval of twenty-seven years—viz., in 1840 and in 1867:—

	1840.	1867.	Aggregate Increase in 27 years.
Rural Population	3,445,517	3,603,826	158,309
Town Population	915,370	1,220,595	305,225
Aggregate Population ..	4,360,887	4,824,421	463,534

The aggregate increase during the twenty-seven years in question being consequently at the following rate:—

Rural Population.. ..	.. 4·59 per cent.	(equal to 0·170 per cent. per annum)
Town Population.. ..	.. 33·34 „	(„ 1·235 „ „)
Aggregate Population ..	.. 10·63 „	(„ 0·394 „ „)

But it is manifest from the great disproportion between the rural and urban rates of increase that the foregoing return cannot be taken as representing the real and natural augmentation of each of the two different classes of the population, but rather as demonstrating the great extent to which (as is well known) the rural population has in latter times migrated from the country into the towns, a fact easily accounted for by the wider field for employment, and the higher rate of wages to be found in the towns than in the country districts.

13. Judging from all the information I have been able to obtain, both from official and private sources, I should say that the general feeling in this country is decidedly favourable to the system so widely spread over the whole kingdom,—that of land cultivation by the peasant proprietors, this system being in accordance with the traditions and habits of the population, and its result, upon the whole, satisfactory; for, as I have already stated, the general condition of this class of proprietors is acknowledged to be in the main prosperous, and one with which they have reason to be well satisfied.

One important measure which was introduced some twenty years ago has no doubt contributed greatly towards bringing about the existing satisfied condition of the peasant proprietors, namely, the commutation of the seignoral charges (tithes) and abolition of servitudes, which, up to that period, had weighed upon a great portion of their lands,—a measure to which I shall have occasion to refer more particularly in a later section of this Report.

(B.)—Tenants and Sub-Tenants under Landlords.

1. As already stated under the head of "Land Occupation," the system of occupation of land by tenants under landlords exists but to a very limited extent in Bavaria, so limited, I should say, from all that I have been able to learn on the subject, that it can scarcely be said to exist at all as a regularly organized or acknowledged system; and, as regards tenant farmers, within the meaning of the term as understood in Great Britain, it appears to be beyond doubt that, as a class, they are unknown in this country.

Such land as may be, in exceptional cases, let out to tenants, comes under two essentially different heads, namely:—

(1.) Complete estates or large farms.

(2.) Small plots of ground, the property of the commune, or belonging to the parish glebe.

The former, when let, are commonly taken on lease as a speculation by persons of some means, who have made a study of the theory and practice of husbandry, or by those who have acted as managers or land stewards on estates belonging to the large proprietors. But I am assured that instances of this description of occupation are not numerous; and that, as a rule, the result is not found to be very satisfactory.

The latter description of land is usually let out by single fields, and for various purposes, to peasants or other persons inhabiting the commune or parish in which the land may be situated.

2. Under the circumstances above described, it is scarcely necessary to say that, in practice, most of the laws and regulations in force in this country which have any bearing on the question of occupation by tenants, must be considered as applying rather to the hiring of real property in general than of land for farming purposes in particular.

The following is a sketch of the general character of the law on this subject:—

The nature or duration of the tenure depends, in all cases, upon the conditions agreed upon between the proprietor and the tenant, and the question of the rights of the one, and of the obligations of the other, is governed mainly by those conditions.

According to Bavarian common law (applicable wherever no special local legislation exists) the tenant has the right of sub-letting his holding, provided there be no stipulations to the contrary, or that the sub-tenant be not a person against whom legal objection could be taken.

Practically, however, it may be said that the system of sub-tenancies has no existence in Bavaria, the usual practice being, whenever land is let, to insert in the lease a clause by which the tenant is expressly bound not to sub-let the land.

3. The law lays down no special rule with reference to the mode in which contracts referring to the letting of lands shall be entered into; but it may be safely assumed that no proprietor would let his land otherwise than by means of a written contract or lease.

Without a document of this kind no conditions can legally be presumed to have been agreed upon, and in such case the law lays down nothing as to the duration of the contract.

Should a lease or contract have been drawn up without the period of its duration being specified (a case which can scarcely be contemplated), either party would, according to the common law of Bavaria, have a right at any time to declare the contract at an end; but he would in that case be bound to give such timely notice of his intention to withdraw from it as the custom of the locality might require, should any custom of the kind be in existence.

In the case of a peasant's estate let on lease for several years, the law specially provides that, unless the lease be formally drawn up by a notary (in accordance with the general regulations respecting notorial acts), it shall only be held to be in force for a period of one year.

(The object of this provision is to prevent disputes or litigation arising out of contracts informally drawn up.)

4. The law does not require that a lease or agreement respecting the letting of land, or other property, should be officially registered; but the parties to the transaction can, if they think proper, cause the agreements or lease to be drawn up in regular notorial form, and registered as a notorial act.

5. There is no law or custom in Bavaria under which a tenant would be considered as having a right to remain in occupation of his holding beyond the period stipulated by his lease or agreement.

According to Bavarian common law the tenant loses his right to retain possession of the property hired:—

(1.) In case of gross mis-use of the house or land, as the case may be.

(2.) If he should remain in arrear in the payment of his rent for a period of two years.

(Practically, the latter provision may be considered a dead letter, as the tenant would, in all cases, be bound to pay his rent within the period fixed by his lease or agreement, and in no case would the lease allow a delay of two years.)

6. There are no legal provisions or recognized customs in Bavaria whereunder a tenant is considered as having a right to sell his interest in his farm, with or without the consent of his landlord.

Rent.

1. A lease or agreement for the hiring of land by a tenant is only valid at law in so far as the amount of rent to be paid is specified in money. But the landlord and tenant are at liberty to come to any private understanding that may suit them with respect to the substitution of a share of the produce in place of any portion, or the whole, of the rent stipulated to be paid in money.

2. The amount of rent, and the periods at which it is to be paid, are regulated solely by the stipulations mutually agreed upon between landlord and tenant.

3. During the period for which an agreement has been entered into, the landlord has no power to raise the rent. On the expiration of the agreement either party is free to propose and accept, or refuse, fresh stipulations.

4. Both landlords and tenants must adopt the ordinary course of civil procedure before the competent tribunal for the enforcement of their respective rights. And the law confers no exceptional privileges on landlords over other creditors in respect of the recovery of the rent, except that the landlord has a first claim on all crops, cattle, or other stock actually on the land.

Evictions.

There is but little to be said under this head as regards Bavaria, an eviction, in the sense in which the word is used in Great Britain, and especially in Ireland, being an almost unknown occurrence in this country. Matters in dispute between landlord and tenant, if any such should arise, must be brought in the ordinary form of proceeding adopted for other civil causes before the competent Court, in order to be decided as the law directs; and the tenant would have no other mode of resisting an eviction, or any other proceeding on the part of his landlord, if such a case were to occur, than an application to the Court of Justice of his district, and the employment of such means as the law affords for delaying the ultimate decision of civil causes in general.

Improvements.

1, 2, 3, 4. As regards farm-buildings, let with land to a tenant, the law requires that they shall be kept in proper and substantial repair by the landlord, and that the latter shall pay all ordinary or extraordinary taxes and rates which may be chargeable on the buildings themselves; he is also bound to indemnify his tenant for the full amount of any expenses the latter may incur for useful or necessary repairs.

5. There are no banks or credit establishments of any description in Bavaria which make it a special branch of their business to grant loans to tenant-farmers for the improvement of their holdings or for any other purposes, the necessity for such establishments never having been felt, as will be readily inferred from what I have stated as to the very limited extent to which the tenant system exists in this country.

Miscellaneous.

1. For the reason just stated there can be no question of any legislative interference being required, in order to afford additional protection to the tenants. Neither is there any reason to believe that the relations between landlord and tenant, in so far as these relations have any existence, are otherwise than friendly.

2. The mode of cultivation of estates or farms held by tenants differs in no wise from that adopted by the proprietors who cultivate their own land.

As regards "the standard of living, solvency, independence, general circumstances, &c., of tenants as compared with those of small proprietors," the explanations already entered into will sufficiently demonstrate that there are no elements for establishing a comparison of this kind.

3, 4, 5. The same observation will also apply in respect to the question of the comparative increase of the population amongst tenants, as well as to that of the extent to which tenants or their children emigrate.

6. There are no legislative enactments in existence having reference to an enforced granting of leases by proprietors, nor any special legislation regulating the relations between landlord and tenant, beyond those laws and regulations already described with reference to the general question of the letting and hiring of real property. But, with respect to the question of the "creation of freeholds," a highly important measure (already referred to incidentally in the course of this Report) bearing directly upon this question, and which may be said to have inaugurated an entirely new era as regards the tenure of land in this country, was passed by the Bavarian Legislature during the Session of 1848, and has since been the law of the land. This measure, known as the Land Charges Redemption Law ("Grund Renten Ablösungs Gesetz"), may be broadly described as having put an end to all land tenures limited by seignorial or other rights, and established, in their stead, a universal system of freehold tenure.

It would be superfluous to enter into an account of all the details of this complicated enactment, especially as regards the infinite variety of manorial charges and dues—dating back in many cases to a remote feudal period—with which the law had to deal, for the proper definition of which in English I can indeed not pretend to possess a sufficient knowledge of technical and legal phraseology.

But the following outline will, I trust, suffice to convey an idea of the general character of this very important measure, and of the mode in which it was carried out.

I should premise by stating that, up to the period at which the Act in question was passed, the state of things with reference to the tenure of land in Bavaria generally, and especially in the "old provinces," had remained (with some not very important modifications) much what it had been two or three centuries previously.

Under this state of things a large proportion of the peasant proprietors, or more properly p[illegible] occupiers, had only a limited right of ownership in their lands, that

is to say, they held them in some cases under the Crown, but more frequently under the so-called ground landlords ("Grund Herren"), or lords of the manor, subject to charges of various descriptions, but consisting chiefly of payments in money at fixed periods, tithes of the most varied character, fines on a change of occupancy by death, and personal servitudes in the form of a certain number of days' work, with or without the peasant's cattle, the providing of beaters for the chase, &c.

In addition to these manorial and seignorial rights, there existed in many cases, in favour of the ground landlord, that of civil jurisdiction and police over the whole extent of the manor, the exclusive right to the game on the peasant's lands, and a variety of personal privileges and exemptions.

The law of 1848 effected a radical change in this state of things, its chief provisions being to the following effect:—

(1.) That after the 1st October, 1848, all right of civil jurisdiction and police, previously vested in the ground landlords should cease entirely, and thenceforth be exercised exclusively by the competent Government authorities.

(2.) That after the 1st January, 1849, personal servitudes of every description rendered in respect of the occupancy of lands, houses, &c., should be absolutely abolished, without any indemnity being made to the ground landlord.

(3.) That every peasant should be competent to buy off or commute, by means of a money payment once for all, or a yearly sum to be paid during a certain number of years, all charges, tithes, or burdens, of whatsoever description, subject to which he held his land from the ground landlord; and that, having done so, he should become the freehold proprietor of the land.

The mode and conditions of this commutation were fixed as follows:—

The nett annual money value of the burdens to be commuted was to be ascertained and fixed by a commission specially appointed for this purpose for each administrative district, the basis assigned for the valuation of all tithes in kind being the average of the ascertained value during the period of eighteen years, from 1828 to 1845.

The value having been thus fixed in the form of an annual money payment, the peasant was in each case left at liberty to redeem this payment in one or other of the three following modes:—

(1.) By paying down once for all to his landlord a sum of money equivalent to eighteen times the amount at which his yearly money payment had been assessed by the Commissioners; or,

(2.) By undertaking to pay to the ground landlord annually, during a period of thirty-four years, the whole, or, during forty-three years, nine-tenths, of the annual sum so assessed, security in the form of a hypothecation on his land being given by the peasant for the due payment of that sum; or,

(3.) By creating, in favour of the State, a mortgage bearing 4 per cent. interest on his land, for a sum representing (as in the first-mentioned mode of commutation) eighteen times the amount of the annual assessed payment.

In either of the two first-named alternatives, the process of commutation was complete as between the peasant and the ground landlord, and the State did not intervene further in the transaction.

In the last-named alternative, the transactions was between the peasant and the State, and the latter having obtained the mortgage on the peasant's land, undertook to indemnify the ground landlord for the dues or tithes which he relinquished.

For the latter purpose the law authorized the Government to create "Land Charge Redemption Debentures," bearing 4 per cent. interest, and to make over to each ground landlord a sum, in these debentures, reckoned at their full par value, equal to twenty times the annual value, as fixed by the Commissioners, of the land charges or tithes to be commuted.

It will thus be seen that, whilst the peasants were permitted to compound for their land burdens, by means of mortgages created in favour of the Government, on the basis of eighteen years' purchase of those burdens, the Government undertook to indemnify the ground landlords on the basis of twenty years' purchase, the State having been consequently a loser under this arrangement to the extent of the difference between the two rates assumed.

The law of 1848 further provided that a sinking fund for the voluntary amortization of the peasant's Land Charge Redemption Mortgages should be established, and that the payments made annually by the peasants as contributions towards that fund should be devoted to the redemption, every year, of a corresponding amount of the debentures issued by the Government as indemnity to the ground landlords.

I have been unable to obtain any estimate of the proportion in which the peasants

availed themselves of the option given them of compounding for their land burdens by the payment down, once for all, of the sum representing the capitalized value of those burdens, or of commuting them, by undertaking the annual payment, as assessed by the Commissioners, during a fixed period, no public record having been kept of these transactions; but there is reason to believe that no great number of peasants adopted either of the above-mentioned courses, and that, practically, the great operation of commutation may be considered as having been carried into effect on the system of mortgages created by the peasants in favour of the State, and indemnity made to the ground landlords by the State in the form of Government debentures.

The magnitude of the whole operation, so far as it came under the supervision of the Government, may be gathered from the following details, showing the sum of money it involved, which have been obligingly furnished to me by the Bavarian Department of Finance.

The aggregate sum represented by the mortgages created by the peasants in favour of the State, was 108,581,329 florins, or 9,048,444*l.* sterling, and the total amount for which Government debentures were issued as indemnity to the landlords—and which constitute at the present time the so-called "Land Charge Redemption Debt" of Bavaria—was 113,634,000 florins, or 9,469,500*l.* sterling.

To these sums, representing the extent of the operation as carried out in this form between peasants and private individuals, must be added the capitalized value, as fixed by the Commissioners, of the charges on the land held by peasants under the Crown, which may be assumed as somewhat above 100,000,000 florins, the annual revenue derived by the Crown from this source being about 4,500,000 florins.

The aggregate capitalized value (on the basis of eighteen years' purchase) of the land burdens commuted under the law of 1848 may therefore be set down (exclusively of the burdens commuted by direct transactions between peasant and ground landlord) in round numbers at 220,000,000 florins, or about 18,330,000*l.* sterling.

It may be well to add that, up to the end of the year 1868, the amount of the peasant mortgages assigned to the State, and that of the "Land Charge Redemption Government Debentures," originally issued, had been reduced by foreclosure or amortization to 7,362,955*l.*, and 8,009,608*l.* sterling respectively.

In conclusion, I may state that the law of 1848, above described, having (as already explained) abolished, or established the right of abolishing, every description of limited tenure of land, and introduced a general system of freeholds, there are no longer any terms in Bavaria resembling the copyholds of England.

(Signed) H. P. FENTON.

Munich, January 20, 1870.

No. 13.

Sir A. Buchanan to the Earl of Clarendon.—(*Received January* 11.)

My Lord, *St. Petersburgh, January* 6, 1870.

WITH reference to your Lordship's despatch of the 22nd September last, I have the honour to forward the copy of a despatch which I received last night from Her Majesty's Consul at Riga, inclosing the Report which he has been instructed to draw up on the tenure and cultivation of land in the Baltic Provinces.

In transmitting this Report without delay to your Lordship, as it will probably be read with interest by Her Majesty's Government, I may observe, with a view to explain more clearly the relations of the landlord and tenant in the provinces to which it refers, that when serfdom was abolished, though the lord retained entire proprietary rights over the land occupied by the serfs, known as "Bauer" or "peasant lands," the enfranchised serfs believed themselves to have a prescriptive right to the occupancy of these lands. When, therefore, some proprietors annexed portions of the peasant lands to the domain or home farm cultivated on their own account, the peasantry, considering themselves aggrieved, sought redress at St. Petersburgh, and, the Imperial Government having intervened in their favour, it was established by a law somewhat similar to that which has existed in Denmark since the abolition of serfdom in that country, that the lord of peasant lands could not cultivate these lands on his own account, but that he might select tenants for such lands from the peasant class, and peasant lands the area of which had been reduced since the abolition of serfdom were defined by this law to be all lands in the occupancy of peasants at the date of the promulgation of the law.

The legislative measures, therefore, described in Mr. Grignon's report as having been subsequently adopted for regulating the tenure of land, appear to refer (with the exception of those of 1865-66, conferring the power of acquiring "manorial" or "Rittersehaftlichen" lands, in freehold, on persons in all ranks of society) chiefly to such peasant lands as were in the occupancy of peasants at the time of the promulgation of the law of 1849. At all events, I am assured by a competent authority, that, whatever land may have been held by the lord, independently of that occupied by peasants, at the date of the promulgation of the above-mentioned law, has remained at his disposal without any restriction on his proprietary rights, and that, should he think fit to let any portion of it, he can resume its occupancy at the expiration of the lease.

I have reason to believe that the nobles of Livonia and Courland, in legislating on the subject, have endeavoured to apply, so far as circumstances and the peculiar rights of the peasantry would admit, the principles in force in Great Britain, and more particularly in Scotland, with respect to the tenancy of land.

The frequent allusions in Mr. Grignon's Report to the apprehension of the landlord, and the hope of the peasantry, that the property of the former may be transferred to the latter by an Imperial Decree, refer to the desire of the Ultra-Russian or National Party to introduce into the Baltic Provinces a land law similar to that which forms the subject of the inclosure in my despatch of the 22nd ultimo.

I have, &c.

(Signed) ANDREW BUCHANAN.

Inclosure 1 in No. 13.

Consul Grignon to Sir A. Buchanan.

Sir, *Riga, January* 3, 1870.

I HAVE the honour to forward to your Excellency a Report upon the Tenure of Land in the Provinces of Livonia and Courland, together with answers to the questions inclosed in your Excellency's despatch of the 10th September last. I beg to observe that, in consequence of the scarcity of statistical works bearing on the subject, I have been compelled to address myself to private individuals in order to obtain the information a résumé of which is given in the accompanying answers. I beg also to remark that my time is taken up daily, and without intermission, during the shipping season, in listening to the complaints and adjusting the quarrels of shipmasters and seamen, and that I have never once, during the period I have been resident here, had an opportunity of visiting the estate of a landed proprietor, nor indeed have I ever been twenty miles out of Riga in any one direction. Under these circumstances, it is obvious that I can have had no opportunity of exercising any personal observation in the matters on which I have been instructed to report. For the information I have received I am indebted to Mr. Goldmann and Baron Menzencamp, of this city,—the former one of the first advocates here,—and to Baron Haaren, of Courland, and also to certain landed proprietors of both provinces with whom I have had opportunities of conversing. As I do not possess a single acquaintance of any kind in the Province of Esthonia to whom I can address myself, and as no one can point out to me any statistical work bearing on that province, I have been obliged to omit all reference to it in the inclosed papers. I have reason, however, to believe, from what I have heard, that the system of Land Tenure there in no way differs from that which exists in Livonia and Courland.

I regret that I should have been obliged to keep your Excellency so long waiting for a reply, but I have only recently received answers to the questions addressed by me to the gentlemen before named, and, as I never have ten consecutive minutes at my disposal at any period during the day, and no one to give me the slightest assistance, it is only at uncertain moments that I have been able to give attention to the subject.

I have, &c.

(Signed) JAMES GRIGNON.

Inclosure 2 in No. 13.

Report by Consul Grignon on the Tenure of Land in the Provinces of Livonia and Courland.

LANDED property in the Baltic Provinces is held under special conditions, of which some explanation is necessary, in order to render intelligible the answers given to the questions proposed.

Slavery formerly existed in these provinces as elsewhere in Russia, but, between the years 1816 and 1819, it was abolished by the landed proprietors, who still, however, reserved to themselves the exclusive possession of the soil.

The serf, who had previously held a portion of land given to him by his owner for his own support and for that of his family, was, on the abolition of slavery, confirmed in the possession of the land he cultivated, on the double condition of the payment of rent, and of giving a certain number of days' labour to his former master. He held the land he cultivated on verbal agreement, and was, at any time, liable to be dispossessed by the owner of the soil. A law passed in 1849 put an end to this state of things, and the immediate result was a great amelioration in the condition of the peasant, and a notable advance in all matters connected with agriculture. In 1865 and 1866 the provincial *noblesse* renounced their exclusive right to the possession of the soil, and citizens and peasants became equally entitled to be holders of land, if not to all the privileges of owners of landed estates. In 1868 the system of mixed payment of rent in money and labour was put an end to by the Russian Government, and all rents are now supposed to be paid in money. In the observations which follow, the word "estate" must be taken as signifying the land in the possession of a noble or large landed proprietor, while the expression "peasant" is used in speaking both of the small landed proprietor and of the tenant of a farm. The labourer forms again a lower class.

The proprietors of estates in the Provinces of Livonia and Courland, as well as the majority of the inhabitants of the towns, are nearly all of German extraction.

The peasants are Esthonians and Letts, the former inhabiting the northern part of the Province of Livonia, the latter the southern part of that province and the whole of the Province of Courland, and up to this day each nationality has preserved its separate language. The land in the Baltic Provinces may be described as divided in the following manner:—

1. Into large estates belonging to the provincial noblesse, and ranging in extent from 8,000 or 10,000 to 50,000 acres.

2. Into a quantity of small farms, containing generally from 40 to 150 acres, either become the property of peasants or rented by them. Each small farm comprises, as a rule, every kind of land necessary for carrying on the business of agriculture in the country—that is to say, arable land, meadow, wild pasture land, and wood land. They are generally let at the rate of from 6*s*. to 12*s*. per acre of arable land, according to situation and quality of soil; but, as the arable land must be accompanied by other land of the kinds just mentioned in sufficient quantities to compose the farm, the total amount of rent, as compared with the average, is very small. Each estate proprietor and each peasant holder of a farm, be he tenant or owner, keeps the labourers required for farming purposes. The owner of the estate, as a rule, allots to the labourer who works for him such a portion of land as, in addition to his money wage, will suffice to enable him to live. These labourers, when industrious, come in time into possession of complete farms. There is, however, this difference between the farms so constituted and the farm held by the peasant as tenant, and that is, that the former may be at any time broken up or sold at the will of the proprietor. The labourer employed by the small proprietor or tenant generally lives with his master, and in the same manner.

Among other stipulations in the law which regulates the holding of land in the Baltic Provinces are the following:—

1. The proprietor of an estate cannot resume the use of any land which he has once let to a peasant,

2. All contracts for rent and purchase must be made in writing and duly registered.

3. To prevent too great a division of the land, it has been decreed that no farm shall consist of less than one-eighth of a haken of land, and that no peasant shall hold more than one haken * in the same parish.

* It is impossible to reduce the "haken" into any foreign measure. It dates from the time of the Swedish occupation, and is rather a measure of taxability than anything else. A farm consists of portions of land each of four different classes, viz., arable, meadow, wild pasture, and wood. Of each of these classes there are again four different categories, according to quality. No one farm, however favourable its situation, can by any chance have the four qualities of land of which it is composed all in the first category; nor, again, can all the qualities fall into the last category. The meaning of the word, and the measure which it implies, is well known, traditionally to both landlord and peasant, but cannot be conveyed to a third party.

In addition to this, every peasant actually holding land as a tenant possesses a preferential right as purchaser. Should he be unwilling to take advantage of this preference, he receives compensation for all improvements made with the consent of his landlord.

Population.

Livonia	925,275
Courland	593,856

Religions.

	Livonia.	Courland.
Protestants	746,654	472,560
Greek Catholics	158,061	9,854
Roman Catholics	5,926	51,946
Jews..	1,221	33,707
Rascolnics	13,357	5,789
Mahometans	54	4

Industrial Pursuits.

Employed in—		
Agriculture	800,000	480,000
Manufactories of woollen, linen and cotton goods, paper, wood, leather, silk, glass, and metals ..	8,409	269

Land Occupation.

Livonia.—A mixed system of large estates farmed by their owners, of small properties held by peasant proprietors, and of farms held by tenants. As a rule, sub-tenancies, though not forbidden by law, do not exist. In Livonia there are 941 estates, of which 95 belong to the State, and 846 to private individuals. There are besides 35,699 small farms held by peasants. Of these last, more than 4,000 were the absolute property of peasant proprietors at the end of 1868. The remainder were let at a money-rent. Of the cultivated land in the province of Livonia 70 per cent. is divided into small farms. These farms consist on an average of 130 acres each, and may be taken to be thus divided:—

	Acres.
Arable land	27
Grass „	37
Bush „	33
Woods, &c.	33

Courland.—The same system exists in Courland. Courland contains 1,487 estates, of which 172 belong to the State, and 1,315 to private individuals. Courland also contains 19,318 peasant farms. The sales in Courland of farms to peasants up to the 5th May last numbered 1,321, with a total of 167,636 acres.

(A.)—Small Proprietors.

1. *Livonia.*—The holding of small proprietors vary from 40 to 150 acres, comprising land of all descriptions. They are held together or divided, according to the situation of the particular estate from which they have been taken, and no rule can be laid down in that respect.

Courland.—The ordinary size of these holdings in Courland is from 50 to 120 acres. In very exceptional cases they may reach 400 acres.

2. *Livonia.*—If a proprietor dies intestate in Livonia the inheritance is divided in equal parts among his children, unless other amicable arrangements are made. The widow is entitled to a child's share. The children draw lots for choice of shares. Should all the children be minors, the widow has a right to remain in possession and management of the farm until the eldest son is of age. If she has only daughters, until one of the daughters is married.

Courland.—The general system is the same in Courland, but small farms are rarely divided. The eldest son generally takes possession, paying off the other heirs.

There are two strong reasons for avoiding too minute a division of the land:—

(1.) A peasant holding 18 acres of land is not liable to the conscription.

(2.) The Bank of Courland will not make advances to peasant proprietors holding farms of less extent than 20 acres.

3. *Livonia.*—All land is sold, transferred, and exchanged by written contract duly registered. When a peasant purchases a farm, three copies of the contract must be presented to the District Court, bearing the signatures of the contracting parties attested by the Parish Court. The District Court must also be furnished with—

(1.) A plan and description of the buildings on the farm.

(2.) A certificate from the Parish Court that the farm is provided with all necessaries for carrying it on.

(3.) A certificate from the Chief Court of the province showing the title of the seller, and also whether the farm proposed to be sold is, or is not, mortgaged. If mortgaged, that the consent of the mortgagee has been given to the sale.

Should there be mortgagees having claims on the estate from which the farm is separated, who decline to consent to such separation, the purchase money is deposited with the District Court, which becomes responsible for the payment of the mortgage, and applies the money received to the settlement of the debt of the estate. The District Court also publishes the intended sale, and mortgagees are warned to present any objections they may have to make within the period of three months.

Peasants are exempted from all payments for stamped paper and costs of registry.

Courland.—If there is any local difference in practice, it is so slight as not to affect the general principle applied to these transactions.

4. *Livonia.*—The Livonian *noblesse* have instituted a bank, called the "Peasant Bank," expressly for the purpose of making advances to peasants desirous of becoming purchasers of their farms.

The conditions are somewhat different from those adopted in Courland and mentioned below, but the terms are nearly the same, viz., 5 per cent. interest and 1 per cent for a sinking fund.

Family charges have not had time to accumulate on the lands of peasant proprietors, and these loans are generally made for the purpose of paying the purchase money of the farm.

Courland.—The Credit Bank of Courland will make advances to proprietors holding not less than 20 acres of land, on the following conditions. The property is valued by the bank, which will advance (in its own paper) to half the amount of the value of the farm so estimated. This paper is issued to the borrower at the current market price (at present it stands at par).

For this loan, 6 per cent. is payable, viz., 5 per cent. for interest, and 1 per cent. towards a sinking fund.

5. *Livonia.*—Small properties are, as a rule, heavily mortgaged. In the majority of cases, the greater part of the money paid for their purchase has been raised on mortgage. The average rate of interest may be said to be about 5 per cent., with 1 per cent for sinking fund.

Courland.—The same observations apply to Courland.

6. *Livonia.*—Every mortgage of a peasant farm is registered in the District Court. The original mortgage deed must be produced and deposited with the Court. The registration of mortgages of peasant land is made without charge to the peasant. The expense of drawing up agreements is trifling.

Courland.—The proceedings are the same as in Livonia.

7. *Livonia.*—The general system of cultivation is that known here as the "three-field," viz., winter crop, rye and wheat; summer crop, barley, oats, and fallow. This system is, however, gradually giving place to more improved methods.

Cattle are only raised in numbers sufficient for the use of the farm. They are pastured on the meadow and wild land belonging to the farm during the summer, and are kept in the stable during the winter. To every acre of arable land may be taken 1½ acres of meadow and pasture land.

Courland.—The general system is that in use in Livonia.

Courland being an elder province, and possessing a better soil, cultivation is, as a rule, better conducted.

In Courland, the proportion is 1 acre of arable land to 1 acre of meadow and pasture.

8. *Livonia.*—Machines used for agricultural purposes in this country are to be found on the estates of large proprietors only. Peasants have none whatever. Hired

labour is employed to the extent of about one labourer to every 20 acres. The females watch and attend to the cattle, and assist in the field at harvest time, and in hay-making.

The usual daily rate of wages is, for a man, 1*s.* 4*d.* per diem, without food; for a woman, 8*d.* They generally lodge on their employer's farm. When hired by the year, a single man receives in money about 12*l.* 10*s.*; a married man, 16*l.*, his wife giving forty days' labour. In both cases a certain quantity of grain is given, and lodging.

Courland.—The same remarks apply to Courland. The rate of wages is somewhat higher in Courland than in Livonia. Men receive, according to qualifications, from 1*s.* to 2*s.*, and in the same relative proportion when paid by the year.

9. *Livonia.*—No emigration worth noting takes place from the Province of Livonia.

Courland.—It is calculated that about 2,000 agricultural labourers leave Courland annually, to go into the interior of Russia.

The service of the Courland peasant has a value in Russia beyond that of the natives of the other Baltic Provinces. He is a good servant, better educated, and greater trust can be placed in him.

10. *Livonia.*—Peasant proprietors almost invariably reside on their properties.

Courland.—The same observation applies to Courland.

11. *Livonia.*—It is difficult to find a standard with which to compare their mode of living. Their houses are warm, but dirty.

Almost all small farmers possess ponies, several cows, with some sheep, swine, and poultry, all of inferior class and quality. They supply the town with the usual description of market produce, also of very inferior quality. Peasants and labourers are alike clad in the homespun of the country.

Courland.—The houses of small proprietors in Courland, and the general appearance of their holdings, are superior to those of the same class in Livonia. In other respects there is little difference.

12. *Livonia.*—There are no statistical Returns in existence bearing on the information required by this question.

Courland—The same remark applies to Courland.

13. *Livonia.*—No public discussion is permitted on these subjects. All that can be said is, that proprietors of estates are very much dissatisfied with the present state of things, and still more with the prospect of the changes still before them, while the peasants have some indefinite idea that the land will at some future time be given to them by the Russian Government. Many of them hold back from purchasing in consequence.

Courland.—The same observations apply to Courland.

(B.)—Tenants and Sub-Tenants under Landlords.

Tenure.

1. *Livonia.*—The average size of farms may be taken at from 130 acres.

Courland.—In Courland the size of farms range from 40 to 150 acres.

2. *Livonia.*—The tenure is by lease of not less than six, and not more than fifty years. The usual term is twelve years. All rent must be paid in money. Stipulations are inserted in the lease relative to proper cultivation, and generally with respect to the erection of buildings. The sale of an estate does not cancel the leases of the farms depending on it. No tenant can assign or sublet the farm he holds, without the express permission of the landlord.

Courland.—In Courland no farm can be let for less than twelve years. In other respects the conditions of tenure are the same as in Livonia.

3. *Livonia.*—All tenancies are created by written agreement. If a tenant cannot produce an agreement, duly registered, the law will presume nothing whatever in his favour.

Courland.—The same law exists in Courland.

4. *Livonia.*—Every agreement must be registered in the books of the Parish Court, which sees that all the legal requirements are fulfilled.

Courland.—The same system prevails in Courland.

5. *Livonia.*—No tenant can be dispossessed so long as he punctually pays the stipulated rent. If, at the expiration of a lease, it should so happen that a notice to vacate or to quit has not been given by either party, and should no [illegible] have taken place by private agreement, the contract is considered as hol[illegible] for three

years on the previous conditions. The law gives the tenant a prior claim should the farm be relet on lease, or to become the purchaser should it be for sale. Should he not be desirous of availing himself of his privilege, he receives, in addition to the value of the improvements made by him, if any, the following compensations :—

(1.) Should the farm be relet at a rent higher than that paid by him, and supposing that he held a lease of less than twenty-four years' duration, he receives three times the difference between the old and the new rent. Should his lease have exceeded twenty-four years he is entitled to twice the difference.

(2.) Should the farm be sold at the expiration of a lease, and the tenant be unable or unwilling to purchase, the amount of his last year's rent is returned to him. Should the farm be sold before his lease has expired he is entitled to the same amount, with the addition of 5 per cent. for every year his lease has still to run.

Courland.—In Courland the tenant can be dispossessed, should no agreement have been entered into, when the lease expires.

The law of Courland also gives the tenant a prior claim to renewal of his lease, or to become a purchaser.

In Courland the tenant receives two years' rent under such circumstances.

6. *Livonia.*—The tenant does not possess an absolute and unconditional right to sell his interest in his farm. Should he be evicted, in consequence of bad management or for non-payment of rent, the custom is to allow him to assign his lease to another person, supposing the landlord to have no well-founded legal exception to take to that person.

Courland.—The same custom prevails in Courland.

Rent.

1. *Livonia.*—All rent has been payable in money since the year 1868.

Courland.—The same law prevails in Courland.

2. *Livonia.*—The amount of rent is always regulated by private agreement between landlord and tenant. Rent is, in all cases, payable half-yearly in advance.

Courland.—The practice in Courland is precisely the same.

3. *Livonia.*—The landlord's power of raising the rent at the expiration of a lease is unlimited in theory, but to a certain extent limited by law. As he cannot resume a farm, once constituted, or retain it unlet for more than three years, it is evident that the intervention of the District Court might become possible. In such a case the farm would be let to the highest responsible bidder.

Courland.—The same system prevails in Courland.

4. *Livonia.*—Either party can address himself to the Courts of Law which can dispossess the tenant, or compel the landlord to make any payment legally due to the tenant.

The landlord's claim for rent unpaid and for deteriorations takes precedence of all other claims. This, however, as far as rent is concerned, only refers to the last year's rent unpaid.

Courland.—The same course of procedure exists in Courland.

Evictions.

1. *Livonia.*—The tenant can only be evicted for non-payment of rent for two consecutive terms, or for bad management of his farm.

The landlord addresses himself to the District Court, which can fix a term within which the payment must be made, generally from three to six months, and, in default, dispossess the tenant.

In cases of bad management the Court also takes cognizance of the matter. Every protection is given to the tenant, the proof on either side is carefully examined, and all explanations are listened to.

Courland.—The course of procedure is the same in Courland, but the law allows only fourteen days for the payment of arrears. Practically from three to six months are accorded, often a longer period.

2. *Livonia.*—Evictions very rarely take place. Almost all cases are settled amicably. Farms are generally let at such low rents that only a succession of bad crops will disable a tenant from paying. When evictions do occur it is generally in consequence of continued bad management of the land.

Courland.—The same observations apply to Courland.

Improvements.

1. *Livonia.*—The actual execution of improvements is generally left to the tenant. When a very considerable outlay is required, it is the custom for the landlord to remit so many years' rent and to furnish material (wood and bricks) for the buildings that may be erected.

Courland.—The same custom exists in Courland.

2. *Livonia.*—As the tenant has a legal claim, at the expiration of his lease, or if his farm is sold, to compensation for all improvements he may have made, he is supposed to be fully protected.

Courland.—The same remark applies to Courland.

3. *Livonia.*—The tenant, at the expiration of his lease, has a legal claim to indemnification for improvements made by him. In this, not only is account taken of the material used in erecting buildings (supposing it not to be taken from the farm or given by the landlord), but also the labour for the same purpose given by the tenant. Under the head of improvements giving the tenant a claim to compensation are comprised irrigation, drainage, ditching, and works of a similar kind.

Courland.—The law in Courland is precisely the same.

4. *Livonia.*—In cases of disagreement between landlord and tenant relative to amount of compensation, the decision lies with the District Court, which causes an examination to be made by competent parties.

Courland.—The same system prevails in Courland.

5. *Livonia.*—Tenants, as tenants, have no special means of raising loans for improvement of their holdings.

Courland.—Tenants are in the same position in Courland.

Miscellaneous.

1. *Livonia.*—The relations between landlord and tenant have become less friendly of late in the province of Livonia, nor can it be otherwise, where the one lives under the constant dread of being deprived of his possessions, while the other hopes to step into them without payment. Even under these circumstances, the tenant has rarely to address himself for protection either to the law or authorities.

Courland.—As a rule, the relations between landlord and tenant are more friendly in Courland than in Livonia, though the same elements of discord exist. The former province is in a more advanced state of civilization than the latter, and the relative rights and obligations of the parties concerned are better understood.

2. *Livonia.*—There is, as yet, no marked difference in the mode of cultivation, employment of labour, mode and standard of living, &c., between small proprietors and tenants. They live and dress in the same way, and all stand on the same footing, and come under the denomination of peasants in the presence of their superior, the estate-owner.

Courland.—This observation applies equally to Courland.

3. *Livonia.*—There exist no statistics having reference to this subject.

Courland.—Such statistics are equally wanting in Courland.

4. *Livonia.*—These tenants never emigrate.

Courland.—The same in Courland.

5. *Livonia.*—As before observed, no public discussion is allowed on these matters, and there is nothing that can properly be called public opinion. All parties have accepted what has been given to them.

Courland.—Matters are in the same state in Courland.

6. *Livonia.*—Tenancies may be said to have been created by the Decree which confirmed peasant-farmers in the possession of the land they occupied at the time of its promulgation, conditionally on the due payment of rent. In another point of view, the pressure put on proprietors by the Russian Government, and the fear which they have entertained for some time past of seeing their land forcibly taken from them and handed over to the peasant, has induced many to sell that land on almost any terms, and in this way freeholds have been created.

Courland.—No creation of freeholds on tenancies has been enforced by legislation, but the same course has been followed in Courland as in Livonia, and the same effects have been produced.

7. *Livonia.*—No actual limitation of proprietary rights, admitted as giving a claim to compensation, has as yet taken place.

Courland.—The same remark applies to Courland.

8. *Livonia.*—The Government will not allow any diminution in [redacted]ber of farms

on an estate to take place. Other than this no steps have been taken; but, as the large landowners are all anxious to sell, for reasons stated in answer to question 6, a very considerable increase in the number of small owners does take place.

Courland.—This equally applies to Courland.

9. *Livonia.*—Tenants do not receive any assistance by law, or public credit; but those wishing to purchase can obtain assistance from the banks. There is, undoubtedly, a great inclination on the part of tenants to become proprietors of their holdings. All this, however, is checked by the uncertainty which exists as to what the proceedings of the Russian Government may be, and by the latent hope entertained by the tenant farmer that he may one day have the land he cultivates made a present to him.

Courland.—The same remarks apply to Courland.

10. *Livonia.*—There can be no doubt that the laws in force tend greatly to favour the dispersion of land. The impossibility of cultivating to advantage the very extensive properties held by large proprietors, as well as the uncertain but constant pressure put upon them by the Russian Government, and adverted to above, all tend in the same direction.

There is no trace to be found in the Baltic Provinces of any tenure resembling the copyholds of England, and, as yet, sub-tenancies are unknown in this country, though not forbidden by law. It will be seen, that those who wish to become holders of small quantities of land find the legal requirements respecting sale and transfer in no way onerous, and that all payments which might tend to discourage the peasant desirous of purchasing have been taken off his shoulders. The answer to question 3, page 246, under the head of "Improvements," shows the legal rights appertaining to landlord and tenant respectively, when the former resumes possession of his land, either through the expiration of a lease, or on the eviction of the tenant. Landlords complain loudly that the amount of compensation awarded to tenants on these latter yielding up their holdings, forms an unreasonable addition to the sum they are often compelled to pay for improvements.

With reference to the management and appropriation of timber, it has already been mentioned, that every farm must have a certain proportion of woodland attached to it. This woodland supplies fuel, fencing, and sometimes wood fit for the erection and repair of farm buildings; but this last kind can only be used by express permission of the landlord. It does not appear that there is any regular or general system of management of the woods attached to farms let on lease.

The very few woods of value belonging to large landed proprietors which still exist are, in general, under the care of German foresters, and the system of management prevailing in Germany is followed, so far as the difference of climate and soil will permit. All the most valuable timber has, as a rule, long disappeared. No statistical Returns are published having reference to this subject. Several of the printed questions have reference to the state of public opinion relative to matters connected with the conditions on which land is held by small proprietors and tenants in these provinces. To these it will be sufficient to reply, that the present system is entirely new; that it has been forced on the large land owners by an irresistible power which admits of no question; that no public discussion on these subjects is allowed; and that the provincial newspapers are not even permitted to reply to the attacks made upon the provinces by the Russian Party, though no obstruction is thrown in the way of the journals which represent that party. So far as the opinions of the large landed proprietors find expression, they are profoundly dissatisfied with the measures which have already been taken with reference to their properties, and still more so with the agitation which is constantly kept up, and with the idea that is industriously disseminated among the peasants, that they will one day enter into absolute possession of the soil they cultivate, without the necessity of paying for it.

(Signed) JAMES GRIGNON.

British Consulate, Riga.

No. 14.

Sir A. Buchanan to the Earl of Clarendon.—(*Received January* 12.)

My Lord, *St. Petersburgh, January* 7, 1870.

I HAVE [redacted] honour to transmit herewith the copy of a despatch from Her Majesty's [redacted] Helsingfors, inclosing a Report on the Tenure of Land in Finland, which, in accordance with your Lordship's instructions, I had directed him to draw up.

Mr. Campbell also incloses a translation of the Statutes published in 1865, concerning local administration. This document, on account of its bulk, I will not forward by post to your Lordship, but send by the messenger next week.

I have, &c.
(Signed) ANDREW BUCHANAN.

Inclosure 1 in No. 14.

Consul Campbell to Sir A. Buchanan.

Sir, *Helsingfors, January* 3, 1870.

I HAVE the honour to inclose to your Excellency my Report and Remarks upon the Tenure of Land, &c., in the Grand Duchy of Finland, accompanied by several statistical Tables, which I have had great difficulty in obtaining, but on which full reliance may be placed.

I also beg to inclose to your Excellency a translation of the Statutes concerning local administration in the country, issued by the Emperor in the year 1865, which I consider may be of service to Her Majesty's Government.

I have, &c.
(Signed) W. CAMPBELL.

Inclosure 2 in No. 14.

Report by Consul Campbell on the Tenure of Land in the Grand Duchy of Finland.

Name of Country.—Grand Duchy of Finland.

Population.—According to the Returns of the Statistical Department of State, the population of the country in the year 1865 amounted to 1,843,253 persons. A complete Return will be found on referring to Table No. 7, annexed to this Report.

Religion.—Lutheran and Russo-Greek Church; the latter, according to the Ecclesiastical Report of 1860, numbered 40,161 souls.

Industrial Pursuits.—Agriculture, cutting and exportation of timber, exportation of agricultural and other implements, cattle and horse breeding, fisheries, iron manufactories, cotton and linen mills, paper and cloth manufactories.

Land Occupation.

The land is held by large and small proprietors, and by tenants and sub-tenants.

The following Table, No. 1, shows how the land is divided amongst the various classes of the community, and proves that nearly 58 per cent. of the total area of the country is in the hands of the peasantry, about 4 per cent. in the hands of the nobility, and about 2·1 per cent. in the hands of the gentry:—

(Table 1.)—Showing the Division of Property in Finland.

Tunland Measurement.

Governments.	Belonging to the Crown.	Belonging to the Towns.	Belonging to the Church.	Belonging to Monasteries.	Belonging to the Nobility.	Belonging to the Gentry.	Belonging to the Peasantry.	Total.
Nyland	2,413	11,112	958	..	277,130	192,644	1,860,872	2,345,129
Björneborg	375,802	19,287	..	..	183,639	149,267	4,483,697	5,211,692
Tavastehus	97,114	1,343	..	..	179,115	148,210	3,228,004	3,653,786
Wiborg	129,126	4,910	..	15,625	2,322,600	240,308	4,359,723	7,072,292
St. Michel	903	7,876	..	..	168,200	267,052	4,238,082	4,682,113
Kuopio	1,047,169	3,319	..	..	99,110	272,215	7,235,145	8,656,958
Wasa	692,656	24,058	..	..	49,000	146,937	7,268,482	8,181,133
Uleaborg	22,791,793	50,514	..	..	..	[illegible]000	8,274,585	31,208,892
Total	25,136,976	122,419	958	15,625	3,278,794	1,508[illegible]	[illegible]90	71,011,995

It will be seen from the following Table, No. 2, that the total number of estates at present existing in Finland is 103,500, with an average area of 16·33 tunland of tillage in each:—

(Table 2.)—SHOWING the Number of Estates in Finland, and the Average Amount of Cultivated Land on each.

Governments.	Number of Estates.	Average of the Total Area.	Tillage.
Nyland	7.324	320·20	27·07
Björneborg	12.536	415·73	22·27
Tavastehus	7,509	486·59	33·81
Wiborg	24,779	285·37	10·63
St. Michel	8.559	547·4	18·44
Kuopio	12,741	679·45	10 55
Wasa	17,774	460·29	13·51
Uleaborg	12,278	2,541·85	13·33
Total	103.500	686·10	16·33

The following Table, No. 3, will give a still more concise view of the ratio between inhabitants, estates, tillage, &c., in the Duchy of Finland:—

(TABLE 3.)

Governments.	Population.	Number of Families.	Number of Estates.	Average Number of Persons in each Family.	Average Number of Persons on each Estate.	Average Amount of Tillage on each Estate.	Average Amount of Tillage for each Person.
Nyland	129,538	19,430	7,324	6·68	17·69	13·6	0·74
Abo and Björneborg ..	271,854	51,165	12,536	5·31	31·68	14·56	0·67
Tavastehus	154,391	29,863	7,509	5·17	20·56	15·12	0·74
Wiborg	251,301	35,865	24,779	7·06	10·14	7·12	0·70
St. Michel	149,441	17,693	8,559	8·45	17·46	8·67	0·49
Kuopio	205,315	21,872	12,741	9·39	16·11	6·03	0·37
Wasa	278,851	44,673	17,774	6·24	15·69	5·39	0·34
Uleaborg	163,809	31,714	12,278	5·17	13·34	7·69	0·57

As far as the taxation of the country is concerned, it may be remarked that the general distribution is made according to a so-called "mantal" (*i.e.*, number of men). At the original division of the common territory, such a number of acres of land were apportioned to a man and his family as were considered necessary for their support.

As regards any privilege or immunity from taxation, it may be stated that landed property is divided into three classes:—

1. "Skattehemman" (estates which pay the common land-tax). These are the most numerous.
2. "Kronohemman" (estates which belong to the Crown, but rented).
3. "Frälsehemman" (estates which originally belonged to noblemen, now in other hands, but still exempt from several taxes).

The following Table, No. 4, will show the number and distribution of the aforesaid "mantals" in the various governments of the country:—

(TABLE 4.)

Governments.	Skatte.	Krono.	Frälse.	Total.
Nyland	1,642·5	213·5	412·3	2,268·3
Abo and Björneborg ..	4,069·3	569·8	637·7	5,276·8
Tavastehus	1,598·6	398·4	206	2,203
Wiborg	647·3	698·4	1,012·4	2,358·1
St. Michel	834·9	376 8	16·6	1,228·3
Kuopio	938·8	553·6	7·2	1,499·6
Wasa	2,325·9	348·1	7·5	2,681·5
Uleaborg	1,406·5	569·6	2	1,978·1

The follo[illegible]e, No. 5, will show the amount of direct taxation levied by Government in the year 1864, and the average amount which fell to each "mantal":—

(TABLE 5.)

Governments.	Amount of Land Tax in Marks or Francs.	Average Amount of Land Tax on each "Mantal."
	Francs.	Francs. c.
Nyland	650,459	286 76
Björneborg	1,513,709	286 86
Tavastehus	694,672	310 79
Wiborg	323,419	137 15
St. Michel	367,337	299 0
Kuopio	377,605	351 79
Wasa	800,881	302 38
Uleaborg	492,981	249 21

(A.)—SMALL PROPRIETORS.

1. The average quantity of land held by proprietors in Finland will be found in the preceding Tables.

The land is intersected to patchwork.

2. The law regulating the descent of landed property at the death of the owner is as follows:—

The sons receive as inheritance twice as much as the daughters.

Inherited property cannot be bequeathed by will, but may be sold. Acquired property, however, can be divided at pleasure by will or testament.

3. The sale of landed property is conducted in the following manner:—

The legal tender or document of sale must be produced by the buyer for registration at the First Assizes, along with his predecessor's title deeds, or documental proof of possession;

At a Second Assizes the copy of the first, relating to aforesaid transfer, must be produced; and,

At a Third Assizes the records of the first and second must both be produced.

This conveyancing of landed property is only required by law to be used when transfer, gift, mortgage, division, or testament changes the ownership, but not if inheritance changes the ownership. The production of the deed of sale at the three above-mentioned Assizes is in order that any fault or flaw in the seller's ownership may be tested, and further for the purpose of giving any relative of the seller (not, however, further removed than a cousin) an opportunity of availing himself of his legal prerogative to retain the property for himself, at the same price as that already agreed upon between the buyer and seller.

At the Third Assizes the title deed is handed over by the Judge to the new proprietor, the stamps on which deed amount, as nearly as possible, to ½ per cent.

4. Loans are granted on mortgage by the Imperial Bank of Finland, by a society of landowners, by the Union Bank of Finland, and also by private parties; although, under the present depressed condition of the country, it is, for the moment, exceedingly difficult to effect such loans.

The Landowners' Society has nearly all its funds invested, and the banks excuse themselves by saying that they find it more lucrative to employ their capital in discounting bills, and lending their money on merchandize at short dates, than giving it to the landowner on mortgage for a term of years; but the real fact is, that the many successive failures of the crops throughout the country have depressed the position of the landholder, and on that account capitalists, at least for the present, raise all possible objections to advance money on landed property. The Society of Landowners lent their money for a number of years, the interest amortizing the capital.

The Imperial Bank of Finland lends for terms of thirty, five, and three years. The Union Bank and private parties for any given time, but repayable at three or six months' call.

Ten years is the legal period for mortgage-bond or security-bond of any description, and, if such bond is not renewed before the expiration of the said ten years, the debt is cancelled.

5. At least 50 per cent. of all land—small or large properties—is mortgaged up to half its value. The valuation is made according to rules ex[illegible] the statutes of the Imperial Bank of Finland and in the Landowners' Soci[illegible] of interest charged is 5 and 6 per cent., the latter being the highest legal rate.

6. These mortgages must be registered at the Assizes in the General Protocol or Record. Every bond for a debt not exceeding 200 francs must carry a stamp to the value of $\frac{1}{5}$th of a franc; if over 200 francs, and not exceeding 1,000 francs, $\frac{1}{5}$th of a franc for every 200; if over 1,000 francs, for every 100 francs $\frac{1}{5}$th of a franc. For writing the first sheet of the protocol, or mortgage-deed, the sum of $2\frac{2}{5}$ francs is the legal charge; for the second sheet, $1\frac{1}{5}$ francs; and for the remainder, $\frac{4}{5}$ths of a franc per sheet. Each sheet of the paper on which the protocol is written must have a Government stamp to the value of $\frac{2}{5}$ths of a franc.

7. The crops raised in Finland are rye, oats, potatoes, and sometimes wheat in the south; rye, barley, and oats in the north up to Lapland; and rye, oats, and potatoes in the east. Rye yields on an average 4 quarters per imperial acre, and oats the fourth or fifth corn. The following Table, No. 6, will show the results of the harvests in the years 1835, 1864, and 1865:—

(TABLE 6.)

Year.	Wheat.	Rye.	Barley.	Oats.
1835	22,392	1,610,708	741,271	708,530
1865	12,706	1,505,525	1,022,633	836,053
1864	15,325	2,158,060	962,399	855,691

If the above result, after deducting the quantity required for the following year's seed, is divided amongst the number of the inhabitants, it will be found that for each inhabitant there remains an average of from $1\frac{1}{2}$ to 2 tonnen.

This quantity is insufficient for the requirements of the country, and, consequently, Finland must import annually about 38,227 tons of flour and about 80,000 quarters of grain.

The annual exports, on the other hand, are about 667 tons of flour and about 32,000 quarters of grain; consequently, the import exceeds the export by 37,560 tons of flour and 48,000 quarters of grain, the value of which may be estimated at 15,000,000 francs.

The rotation is two years, and the general mode of cultivation primitive.

The native cattle of Finland are somewhat similar to those of our Shetland Islands—small, but good, and well adapted for the poor country in which they pasture; but, through the attempts of several breeders to cross them with the Dutch and Ayrshire races, they have got into a class of cattle for which the country cannot supply sufficient nourishment, and the result is, that, in place of seeing the well-fed small cattle of the country, one finds droves of half-starved wretched-looking animals of neither one breed or the other. The cattle are pastured in the rough forests for five months of the year, and during the remaining seven they are fed scantily on hay or straw in stables and sheds.

In the year 1864 the proportion of grass land to tillage in the Grand Duchy of Finland was as follows:—

Tillage	1,690,882
Grass lands	5,817,270
Per cent. of area in tillage	2·7
Per cent. of area in grass	9·3
The annual increase per cent. is—	
Tillage	1·717
Grass	1·647

8. Machinery is seldom, if ever, used in Finland as a substitute for labour.

No hired labourers, male or female, are employed by the small proprietors. Large proprietors employ both to the same extent, paying for the former 1*s.*, and for the latter about 6*d.* per day.

9. There is no emigration from Finland.

10. The proprietors invariably reside upon their properties.

11. They reside in log-houses with two or three rooms. Their food is salt fish, sour rye bread as hard as flint, potatoes, milk, and very light beer. They are clad in cloth and linen of their own making, also in sheep-skin. Their general circumstances are very poor.

12. On referring to Table No. 7, hereto annexed, it will be seen that the average population per acre varies very considerably. For instance, in the district of Püki, in the Government [illegible] it is shown that there are 33 inhabitants in a superficial kilometre [illegible]; in Korsholm, 17; in Stranda, 15; in Salmis, 3; in Kajana, scarcely [illegible] in Kemi 3 kilometres do not contain 2 inhabitants.

In comparison to the population of the country, that of the towns is more insignificant than in any other European country. Of 1,843,253 inhabitants, which the Grand Duchy contained in the year 1865, the urban population only amounted to 122,777, that is to say, to 6·6 per cent. In the same year (1865) the urban population of Sweden amounted to 12 per cent., and in 1855 that of Norway to 13½ per cent.

Table No. 8, hereto annexed, will show the increase of the population of the Grand Duchy of Finland between the years 1840 and 1865, and it will be seen from the figures in the Table that the proportional increase has been largest in those districts which are most thinly peopled.

As several allusions will be made in this Report to the great famine and consequent "famine typhus" which prostrated the Grand Duchy in the year 1868, it may be intereresting to peruse the following figures, which show that nearly 8 per cent. of the population of the country fell victims to that dreadful malady.

Year.	Births.				Deaths.			
	Males.	Females.	Total.	Per cent. of Population.	Males.	Females.	Total.	Per cent. of Population.
1866 ..	30,108	28,745	58,853	3·26	30,918	30,976	61,894	3·43
1867 ..	30,151	29,013	59,164	3·29	34,743	35,031	69,774	3·87
1868 ..	22,424	21,334	43,758	2·44	72,214	65,506	137,720	7·69

The district of Satakunta, in the Government of Abo, suffered most from the ravages of the disease. The statistical Reports show that in that district every ninth person was cut off, and for every birth there were eight deaths. It is worthy of remark that the urban population suffered much less than the peasantry, the Returns showing that in the towns for every 100 births there were 323 deaths.

13. Hitherto, public opinion has not in any way been expressed either for or against the above system, the people leading an indolent and slothful life, mechanically turning their penny, and not thinking or troubling themselves about anything beyond the work they may have in hand, and their daily bread. They are averse to all kinds of improvement, and like their old ways the best. Lately, however, through the awaking of the Landtag (Parliament), called into action by the present Emperor after 50 years of political sleep, the people are commencing to look into matters, and a decided public tendency to favour the small proprietor is visible.

(B.)—Tenants and Sub-Tenants under Landlords.

Tenure.

1. The area of land to each tenure differs widely, say, from 50 acres to 4,000 acres.

2. The usual duration of the tenure of Crown lands is thirty years, for others according to special agreement, but in no case for a longer period than fifty years for acquired property.

Sub-tenancies are assignable by the tenant of both Crown and private property without the landlords consent, unless such is specially stipulated in contract to be necessary.

3. The tenancies are nearly all created by written agreement; but, in cases where no agreement exists, the law decrees that warning shall be given on or before the 21st December, and the tenant must quit on the 14th March of the year next but one following, that is to say, he receives 1¼ year's warning less 7 days.

4. There is no system of registering the agreement for tenure of farms, but contracts made for the rental of parcels of land, to be used for the purpose of erecting thereon saw-mills, flour-mills, metallic works and such like, may be registered at the Assizes by the presiding Judge, which process, however, must, like all registering at law, be renewed before the tenth year has elapsed.

5. There is no law or custom whereunder a tenant has a right to remain in occupation of his holding so long as he punctually pays the stipulated rent.

6. There is no law or custom whereunder a tenant has the r[illegible] his interest in his farm without the consent of the landlord, although such c[illegible] mutual consent.

Rent.

1. In case of tenancies, the payment is seldom made to the proprietor in money, and never in a per-centage of the produce, but generally in rye, barley, horse and manual labour, fish, dairy produce, &c., to a given amount.

2. Rent is regulated by mutual agreement, although it is seldom altered at the change of either tenant or proprietor.

Rents are payable once a-year, that is to say, in autumn, when the harvest is housed; a small part is, however, paid at other seasons, for instance, the so-called egg rent is paid in spring, and labour is given so many days a-week.

3. The landlord has unlimited power to raise the rent.

In case of non-payment of rent or breach of contract, the Governor of the province, acting upon the decision of the assizes, issues his order to a civil servant of the Crown to evict, but this cannot be put into execution until the period of legal warning stated under No. 3 of tenure has expired.

4. An action at law may be brought for recovery of rent. Proprietors who are noblemen have the right of getting their rent paid to them before any other debts are paid out of the tenants' property.

Evictions.

1. The legal means of procedure by which a landlord can evict a tenant will be found under paragraph No. 3 of Tenure.

The notice required to be served on tenants will be found under paragraph 3 of Rent.

The tenant may evade eviction by not appearing at the first and second assizes; at the third he must appear, or he will be fetched by force, but by evading the first and second, and there only being two assizes in one year, he gets the benefit of one year over and above the warning-time. It is a very common practice amongst peasants who are proprietors, in order to evade the great delay and trouble of eviction, to take by force the windows and doors out of the tenant's house; this procedure, when carried out in winter, has frequently the desired result.

2. Evictions are by no means frequent.

Improvements.

1. All improvements in buildings ought to be executed by the tenant, although it frequently occurs that through the poverty of the tenant the landlord is obliged to carry them out.

2. If any improvements are executed by the tenant over and above those which he bound himself by contract to carry out, they will be valued by the so-called "Namndeman" ("men of the parish"), a kind of jury employed at the assizes (an old institution dating from the time of the Vikings), and the landlord must pay to the tenant the amount of their valuation.

3. The landlord, upon resuming possession, must pay for such improvements in lands and houses as are over and above those which the tenant under took on entry to carry out.

4. The right is ascertained by the Report of the "parish men," referred to in paragraph 2, issued by them at the time when the tenant entered on the lease.

5. Tenants have no means of raising loans either from Government, companies, or banks.

Miscellaneous.

1. The relations between landlord and tenant are decidedly friendly; and no legislative interference is necessary for the protection of the latter, except in the Donation Estates in the eastern provinces of the country so-called "Old Finland," where the relations are not so friendly.

2. The mode of cultivation adopted by these peasants is two years' rotation, that is to say, rye or oats, and fallow, alternately, with a small patch of the field with potatoes or buckwheat. They are in all respects on an equality with the small proprietor, except that they are more or less dependent on their contracts with him, and cannot raise money on the land which they occupy.

4. Neither do the tenants or their children emigrate. The great famine experienced through the total failure of the crops in 1866 and 1867, compelled the small proprietors and tenants in the northern districts of the

country to leave their homes, and, along with their families, beg their way to St. Petersburgh. This, however, did not occur in the southern districts, although great distress also existed there.

5. The great mass of the people, both educated and uneducated, have not as yet taken any interest in the land question, although it is very evident that public opinion is decidedly in favour of increasing the number of small proprietors.

A small party, at the head of which are many of our large landowners, are desirous of seeing the number of large tenancies increased; these tenants to have no sub-tenants, but to work the land by hired labour. Such tenancies do not at present exist in Finland.

6. The creation of freeholds or tenancies by proprietors, or the granting of leases, have not been enforced by the legislature, except in the case of the great Donation Estates in the East. These estates were taken from the small proprietors, and given by the Russian Government to persons of distinction, at the time that part of the country was subjugated by, and annexed to Russia; and, consequently, these small proprietors became the tenants of the large proprietor.

As far back as the year 1825, a Committee was appointed by Government to inquire into the state of matters in that district, but more especially since the meeting of the last two Diets has the Government been endeavouring to legislate for these tenants, but as yet without success. It is the present difficult land question, the riddle of the times.

The answer of the Diet to the propositions made to them by the Emperor at their last Assembly was, that a Committee should be appointed to investigate the matter on the spot, and ascertain the prices asked by the proprietors for the land occupied by these tenants; the result of this inquiry to be used or acted upon in accordance with the buying-out system proposed by the Diet, that is to say:—

1. That Government should purchase the land for those tenants who desire to hold it, they repaying the purchase-sum by annual instalments, according to a fixed per-centage.

2. That the tenant should then become proprietor of the land, and thereafter only have to do direct with Government.

3. That in the mean time none of these tenants can be evicted, nor their rents raised.

Nothing has, however, as yet, passed into law.

9. No steps have been taken by Government to create or increase the number of owners or freeholders, excepting those mentioned in paragraph No. 6.

10. Tenants receive no assistance from law, public credit, or otherwise, in their endeavours to become proprietors of their holdings or of other farms. The public feeling is mentioned in paragraph 5.

11. The laws in force do not tend to favour the accumulation or dispersion of land, further than the foregoing statements show. During the years between 1820 and 1858 Finland enjoyed great prosperity, and the accumulation of land during that period kept pace with the progress of wealth in the country; but since the year 1858 eight successive bad harvests, coupled with a general stagnation of trade, have completely prostrated the Grand Duchy, and have caused, and are still causing, the dispersion of land to an unprecedented extent.

The following figures will show that, during the nine years between 1855 and 1864, there was a decided tendency in the southern districts of the Grand Duchy to diminish the number of small proprietors by amalgating them with the large estates; whereas it will also be seen that in the northern districts the reverse was the case, and that the number of small proprietors are rapidly increasing.

Thus, between the years 1855 and 1861 the number of estates in the Government of Tavastehus was reduced by 98; those in the Government of Nyland by 62; and those in the Government of Abo and Bjorneberg by 58.

Whereas the number of estates in the Government of St. Michel was increased during the same period by 402; those in the Government of Wasa by 1,303; those in the Government of Kuopio by 795; and those in Uleaborg by 2,134.

Income Tax.

Income-tax is payable by all persons who have an income of more than 500 francs a-year, and is levied as follows:—

	Per cent.
Incomes from 600 to 5,000 francs	$\frac{4}{5}$
From 5,000 to 10,000 francs	1
Above 10,000 francs	$1\frac{1}{5}$

All schools, societies for literary and economical advancement, churches, and pension and stipend funds, are exempt from this tax, as also the inhabitants in Lapland.

Each individual is at liberty to deduct from his income all other direct taxes paid to Government or to the community.

A special income-tax is levied upon ale and porter brewers, and card manufacturers.

The following figures show the several classes of the population who pay income-tax:—

Places.	Officials.	Tradesmen and Mechanics.	Landowners.	All Others.	Foreigners.	Total.
In the Towns	3,043	7,289	4	1,162	614	12,112
In the Country ..	2,781	3,583	62,046	609	425	69,444
Total	5,824	10,872	62,050	1,771	1,039	81,556

The amount paid is as follows:—

	Francs.
In the Towns	394,530
In the Country	274,298
Total ..	668,828

This shows that the towns have paid more than 59 per cent., and the country about 40 per cent. In the towns each tenth person paid income-tax to the amount of $2\frac{21}{100}$ francs, and in the country each twenty-fifth person to the amount of $\frac{15}{100}$ part of a franc. The average amount falling on each person in the Grand Duchy is $\frac{29}{100}$ part of a franc.

The distribution of the income-tax in Finland in the year 1865 was as follows:—

				Francs.	Francs.
5	Persons	paid	for an Income of	100,000	and above
28	„	„	„	50,000	to 100,000
662	„	„	„	10,000	to 50,000
1,369	„	„	„	5,000	to 10,000
17,512	„	„	„	1,000	to 5,000
60,941	„	„	„	500	to 1,000

British Consulate, Helsingfors, December 31, 1869.

(Signed) WM. CAMPBELL,
Her Britannic Majesty's Consul.

(Table 7.)—Density of the Population of Finland in 1865.

Name of District.	Superficial Area.		Population in 1865.	Number of Inhabitants.	
	Square Versts.	Square Kilomètre.		Per Square Verst.	Per Square Kilomètre.
Government of Nyland—					
1. Perno	3,217	3,675	44,087	13·7	11·9
2. Helsinge	3,901	3,314	73,538	25·3	22·2
3. Raseborg (East)	2,272	2,596	29,867	13·1	11·5
4. Raseborg (West)	1,743	1,991	24,680	14·1	12·3
Government of Abo—					
5. Halliko	2,200	2,512	33,539	15·2	13·4
6. Pükie	873	997	33,927	38·8	33·0
7. Masku	1,907	2,179	27,238	14·2	12·5
8. Wirmo	1,078	1,232	16,498	15·3	13·4
9. Wehmo	1,577	1,802	25,486	16·1	14·1
10. Aland	1,211	1,383	16,808	13·8	12·1
11. Satakunta	3,549	4,054	59,433	16·7	14·6
12. Satakunta	5,023	5,739	34,927	6·9	6·0
13. Satakunta	2,546	2,909	39,647	15·5	13·6
14. Satakunta	2,555	2,949	39,541	15·5	13·5
Government of Tavastehus—					
15. Satakunta	2,797	3,195	28,836	10·3	9·0
16. Hollola	3,404	3,889	34,300	10·0	8·8
17. Hollola	3,417	3,904	42,606	12·4	10·9
18. Sääksmaki	3,239	3,700	29,739	9·1	8·0
19. Sääksmaki	2,931	3,348	36,656	12·5	10·9
Government of Wiborg—					
20. Lappwesi	4,160	4,752	33,786	8·1	7·1
21. Kymmene	3,093	3,533	39,188	12·6	11·1
22. Stranda	2,551	2,915	43,486	17·0	14·9
23. Eurapaa	2,493	2,848	32,694	13·1	11·5
24. Kexholm	2,509	2,866	28,871	11·5	10·4
25. Jaaskis	3,647	4,167	29,598	8·1	7·1
26. Kronoberg	2,007	2,293	24,149	12·0	10·5
27. Sirdavala	2,225	2,542	22,030	9·9	8·7
28. Salmis	7,875	8,996	25,691	3·2	2·8
Government of St. Michel—					
29. Rantasalmi	6,495	7,420	42,596	6·5	5·7
30. Jokkas	5,146	5,879	41,516	8·0	7·0
31. St. Michel	3,609	4,122	33,643	9·3	8·1
32. Heinola	4,981	5,691	45,555	9·1	8·0
Government of Kuopio—					
33. Rantalampi	4,241	4,845	33,130	7·8	6·8
34. Libelitz	6,082	6,949	49,979	8·2	7·2
35. Ilomans	7,294	8,333	30,882	4·2	3·7
36 Prilsjarvi	8,230	9,402	26,229	3·2	2·7
37. Idensalmi	6,333	7,235	38,077	6·0	5·2
38. Kuopio	5,226	5,971	47,660	9·1	7·9
Government of Wasa—					
39. Laukkas	9,460	10,807	47,769	5·0	4·4
40. Kuortane	8,338	9,526	46,583	5·6	4·9
41. Ilmola	5,782	6,606	66,906	11·6	10·1
42. Korsholm	2,872	3,281	55,070	19·1	16·9
43. Lappo	2,931	3,349	46,834	15·9	14·0
44. Pedersove	5,967	6,817	51,261	8·6	7·5
Government of Uleaborg—					
45. Salo	5,478	6,258	41,994	[illegible]	6·7
46. Haapayarvi	6,102	6,971	27,853	[illegible]	4·0
47. Kajana	20,161	23,033	34,286	[illegible]	1·5
48. Ulea	27,600	31,530	51,818	1·9	1·6
49. Kemi	33,179	37,904	26,851	0·8	0·7
50. Lappmark	42,333	48,362	6,415	0·1	0·1
Total	306,840	350,541	1,843,253	6·0	5·2

(Table 8.)—INCREASE of the Population of Finland from 1840 to 1865.

Governments.	Population in—		Increase.	Per Cent. of the Population of the Year 1840.	Annual Increase of the Population. Moyenne.
	1840.	1865.			
Nyland—					
Perno	41,458	44,087	2,629	6·3	0·24
Helsinge	60,333	73,538	13,205	21·9	0·79
Raseberg	26,075	29,867	3,792	14·5	0·54
Raseberg	22,492	24,680	2,188	9·7	0·37
Abo—					
Halikko	29,672	33,539	3,867	13·0	0·49
Pükie	28,426	33,927	5,501	19·3	0·71
Masku	25,171	27,238	2,067	8·2	0·31
Wirmo	15,632	16,498	866	5·5	0·22
Wehmo	20,212	25,486	5,274	26·1	0·92
Aland	14,643	16,808	2,165	14·7	0·55
Satakunta (Basse)	43,889	59,436	15,544	35·4	1·20
Satakunta (Du Nord)	23,619	34,927	11,308	47·9	1·54
Satakunta (Centrale)	27,203	39,647	12,444	45·7	1·49
Satakunta (Du Midi)	31,257	39,541	8,284	26·5	0·94
Tavastehus—					
Satakunta	19,546	28,836	9,290	47·5	1·53
Hollola	31,051	34,300	3,249	10·5	0·31
Hollola	34,307	42,606	8,299	24·2	0·84
Sääksmaki	24,337	29,739	5,402	22·2	0·80
Sääksmaki	29,460	36,656	7,196	24·4	0·87
Wiborg—					
Lappwesi	30,127	33,786	3,659	12·1	0·46
Kymmene	34,096	39,181	5,092	14·9	0·56
Stranda	36,408	43,486	7,078	19·4	0·71
Eurapaa	29,399	32,694	3,295	11·2	0·42
Kexholm	28,513	28,871	358	1·3	0·05
Jaaskis	27,592	29,598	2,006	7·3	0·28
Kronoberg	22,678	24,149	1,471	6·5	0·25
Sirdavala	19,757	22, 0	2,273	11·5	0·43
Salmis	20,645	25,691	5,046	24·3	0·87
St. Michel—					
Rantasalmi	35,954	42,596	6,642	18·5	0·70
Jokkas	33,757	41,516	7,759	22·9	0·82
St. Michel	29,790	33,643	3,853	12·9	0·48
Heinola	36,360	45,555	9,195	25·3	0·90
Kuopio—					
Rantalampi	26,160	33,130	6,970	26·6	0·94
Libelitz	37,250	49,979	12,729	34·2	1·17
Ilomans	24,128	30,882	6,754	28·0	0·98
Prilsjarvi	18,545	26,229	7,684	41·4	1·37
Idensalmi	26,190	38,077	11,887	45·4	1·48
Kuopio	34,955	47,660	12,705	36·3	1·23
Wasa—					
Laukkas	29,546	47,769	18,223	61·6	1·88
Kuortane	28,723	46,583	17,860	62·2	1·90
Ilmola	43,621	66,906	23,285	53·4	1·68
Korsholm	38,871	55,070	16,199	41·7	1·38
Lappo	31,799	46,834	15,035	47·2	1·53
Pedersove	40,215	51,261	11,046	27·4	0·97
Uleaborg—					
Salo	31,583	41,994	10,411	32·9	1·13
Haapayarvi	18,037	27,853	9,816	54·4	1·07
Kajana ..	22,529	34,286	11,757	52·2	1·66
Ulea	36,622	51,318	14,696	40·1	1·34
Kemi	18,608	26,851	8,243	44·3	1·45
Lappmark	4,385	6,415	2,030	46·1	1·50
Total	1,445,626	1,843,253	397,627	27·5	0·97

(Table 9.)—NUMBER of Births in Finland between 1861 and 1865.

Name of District.	Number of Births.			Per Cent.
	Males.	Females.	Total.	
Government of Nyland—				
Perno	3,836	3,635	7,471	3·4
Helsinge	6,784	6,436	13,220	3·7
Raseberg (East)	2,723	2,654	5,377	3·7
Raseberg (West)..	2,261	2,176	4,437	3·6
Government of Abo—				
Halliko	2,977	2,790	5,767	3·6
Pükie	2,975	2,949	5,924	3·6
Masku	2,576	2,432	5,008	3·4
Wirmo..	1,444	1,444	2,888	3·6
Wehmo	2,323	2,205	4,528	3·7
Aland	1,513	1,412	2,925	3·6
Satakunta (Basse)	5,785	5,478	11,263	3·8
Satakunta (North)	3,440	3,328	6,768	4·0
Satakunta (Central)	3,864	3,605	7,469	3·9
Satakunta	3,916	3,710	7,626	4·0
Government of Tavastehus—				
Satakunta	2,659	2,402	5,061	3·0
Hollola (North)	3,233	3,103	6,336	3·7
Hollola (South)	3,472	3,324	6,796	3·3
Sääsmaki	3,074	2,966	6,040	4·0
Sääsmaki	3,467	3,299	6,766	3·8
Government of Wiborg—				
Lappwesi	2,917	2,847	5,764	3·4
Kymmene	3,667	3,530	7,197	3·7
Stranda	4,633	4,342	8,975	4·3
Eurapaa	3,050	2,967	6,017	3·7
Kexholm	2,567	2,413	4,980	3·4
Jaaskis..	2,303	2,109	4,412	3·0
Kronoberg	2,112	2,021	4,133	3·0
Sirdavala	1,993	1,795	3,788	3·4
Salmis	2,592	2,438	5,030	3·9
Government of St. Michel—				
Rantasalmi	3,368	3,211	6,579	3·1
Jokkas	3,355	3,388	6,743	3·3
St. Michel	2,501	2,410	4,911	3·0
Heinola	4,218	4,048	8,266	3·7
Government of Kuopio—				
Rantalampi	2,890	2,866	5,756	3·5
Libelitz	4,340	4,003	8,343	3·4
Ilomans	3,085	2,969	6,054	4·0
Prilsjarvi	2,290	2,287	4,577	3·6
Idensalmi	3,752	3,580	7,332	4·0
Kuopio..	4,316	4,207	8,523	3·8
Government of Wasa—				
Laukkas	4,513	4,350	8,863	3·9
Kuortane	4,638	4,529	9,167	4·1
Ilmola	7,103	6,698	13,801	4·2
Korsholm	5,754	5,539	11,293	4·2
Lappo	4,719	4,699	9,418	4·1
Pedersove	4,995	4,536	9,5[illegible]	3·8
Government of Uleaborg	17,369	16,719	34,[illegible]	..
Total	171,362	163,849	33[illegible]	3·7

Inclosure 3 in No. 14.

Statutes of the Grand Duchy of Finland, 1865.

His Imperial Majesty's gracious Statute concerning local administration in the country. Given in Helsingsfors, February 6th, 1865.

We, Alexander the Second, by the grace of God Emperor and Autocrat of all the Russians, Czar of Poland, &c., make known: On the submissive motion of the States of Finland, We do graciously appoint the following Decree concerning the local administration of the country:—

Chapter I.—*General Statutes.*

§ 1. Every parish in the country constitutes a separate community of itself, to the members of which it belongs the superintending of their common affairs of order and economy, within the limits defined by law, as far as they do not appertain to the treatment of public authority or court of justice, according to prevailing regulations.

§ 2. If several parishes are united under a common local management, they may remain so, as long as they therein agree. If they desire to be separated, or in case several parishes belonging to the same province wish to unite under a common local administration, such may be carried out according to their wish, the Governor finding sufficient reason to consent thereto, after having obtained an explanation of the case and a hearing of the persons concerned.

Country and city parishes may, in general, not be united under a common local administration. Nevertheless, where such a unity is considered necessary, it devolves upon the persons concerned to recommend the matter, together with the necessary explanations and propositions for its arrangement, to the Governor, who is to transfer the question to the decision of the Economy Department of the Senate.

§ 3. Every one is a member of a community in the country who owns or works land, or is in possession of other real estate; who works mines, or is a manufacturer, merchant, tradesman, or mechanic, or is following any lawful trade or profession; or who, otherwise, in accordance with prevailing institutions, has, or ought to have, his lawful abode and habitation.

§ 4. Community in the country exercises its power of decision on local meetings, or by elected deputies. The executive and administrative power is entrusted to a local administration, or to other authorities or persons appointed for separate executive agencies, all in a manner that is defined in this Statute.

§ 5. The common property of the community, be it real estate, moveable capital, or any licence bringing profit, likewise funds which may be granted to the community, is to be accounted as a resource from which the common expenses of the community may be covered in cases where no other provision is made.

Chapter II.—*Of Local Meeting.*

§ 6. In local meetings the following matters may be taken up for consideration and decision:—

1. The establishing of popular schools.
2. Concerning measures that may be considered necessary for the futherance of of general order.
3. Sanitary matters: for a more general use of vaccination; for appointing midwives; the care of lunatics, their admittance into asylums; and the care due to blind and deaf persons not belonging to the public charities, and unable to take care of themselves and having no relatives to attend to their wants.
4. The r[illegible]tion of the public charities, as far as such depends upon the action of of the commun[illegible]
5. The buil[illegible]and keeping in order of the meeting-house of the parish, and other houses belonging to the community.
6. The establishment and superintendence of loan and assistance magazines.
7. Concerning measures for the extinction of noxious animals, and the observance of appointed statutes for the protection of fisheries and fries, also of the chase and capture of animals.
8. Of wh[illegible]onducive to the prevention and cessation of conflagrations and fires in he[illegible]
9. T[illegible]estment of the common funds and the borrowing for the common wants

of the community—such as for the building of roads, maintaining of roads, planting of trees, and such like things—also the management of the treasury and other common property of the community, and the examining of the general accounts.

10. The election of local deputies, where such are nominated by the Chairman and Vice-Chairman of the local meeting, and of the Local Committee of Administration.

11. The election of Commissioners for executing the common concerns of the community.

12. The election of Inspectors within the community for the control of vagrancy, in accordance with an ordination in a separate statute.

13. Concerning other matters which may depend upon the combined action of the community.

§ 7. It further belongs to local meetings to consider such questions as, according to prevailing regulations, may be referred by the Governor and other authorities to their decision, also concerning the maintaining of roads, division of roads, building of bridges, duty of keeping post-horses, and the carrying of prisoners, ploughing snow from the roads, the carrying of the county mail, and other similar matters which depend upon the further action of the jury of the district, of the Governor, or of the other authorities.

§ 8. In case certain regulations have been agreed upon in local meetings for the furtherance of general order, power is granted to the meeting to appoint certain fines (subject to the Governor's approval) for transgression of the same, still not to exceed forty marks. Should the meeting find such fine insufficient to check any prevailing mischief, augmentation thereof may be sued for at the proper court of justice.

§ 9. Every respectable member of the community has the privilege of taking a part in the consultations of the local meeting, without reference to his confession of faith, if he is in possession of the rights of a Finnish citizen, and is at liberty to dispose of himself and his goods; if he is liable to local taxation, if he is not in arrears for more than the preceding year's taxes, if he is not a menial nor a vagrant.

The same privileges are enjoyed by companies.

§ 10. A tenant or leaseholder may vote for the property of which he is in possession, if he is paying local taxes for the same, and the owner does not reside in the community; but if the owner resides in the community he has the vote.

Tenants of Crown lands are entitled without extra permission to the right of voting for the same in local meetings.

Widows, divorced women, and unmarried, who have attained their majority, enjoy the right of voting.

Guardians may vote for wards; or where there are several guardians, the one selected by the others may vote.

In case of a partnership its managers may vote, and for undivided inheritance or other common property the shareholders may appoint a delegate.

For property, profession, or business, under the superintendence of creditors, the trustees may vote.

Every one who has been called to answer for infamous crime, or who has been officially declared to be deprived of public confidence, is divested of the right of voting at local meeting, but may still not be deprived of the privilege of pleading his own cause.

§ 11. Should the matters which occur for consideration be common to the whole community, all who have the right of voting may participate in the resolution of the meeting; but if such matters relate only to taxable land, others than those in possession of such land may not enter into the council, or participate in the resolution concerning it.

If there be several parishes joined under a common administration, and the matter in question concerns only one of the parishes, this parish alone [illegible]o attend to the consideration of the matter at a local meeting of its own.

§ 12. Voters may transfer their rights of action and of votin[illegible] other persons of good repute, and must for that purpose make out warrants for cert[illegible] persons mentioned by name; and these warrants are either to be in force for a definite or indefinite period, or to contain a statement of the particular occasion when they are to be used.

§ 13. The local meeting is to select from its male voters residing within the community a Chairman and a Vice-Chairman, to act as such during a term of three years; the first time under the presidency of the Rector of the parish, or the person acting in his stead.

A bailiff of a district or other subordinate of officer may [illegible]s Chairman or Vice-Chairman, nor a person who is in default with his accounts [illegible]mmunity,

nor a person guilty of crime or under trial, nor he who has been declared by a Court of Justice unworthy of advocating the cause of another at Court.

§ 14. An elected Chairman or Vice-Chairman may not refuse to accept the trust, unless he has held such trust for the preceding three years, or attained to the age of 60 years.

If there be a refusal on account of any such reason, a new election is to take place. If the cause assigned be serious indisposition, or civil, military, or ecclesiastical service, or office, it belongs to the local meeting to test such hinderance, and, in case it is deemed sufficient, to enter upon a new election. In case the assigned reason for refusal is not deemed sufficient by the meeting, and consequently not accepted, the meeting is to give its reasons for not accepting it, and refer the matter to the decision of the Governor.

§ 15. In case either office be vacant, by reason of decease or removal to another place of the Chairman or Vice-Chairman before the time of his charge is at an end, another person is, in accordance with § 13, to be elected in his stead for the remaining part of the term. Such election is to take place at the first ordinary local meeting that is held after a new election became necessary.

In case both the Chairman and the Vice-Chairman depart or remove before the time for such a meeting is at hand, an extra local meeting may immediately be convoked by the local Committee of administration, at which meeting the election of Chairman and Vice-Chairman for the remaining part of the term is to take place under the presidency of a person elected by the meeting for the occasion.

§ 16. Local meetings are to be held at the meeting-house of the parish, or at any other suitable places which may for that purpose be appointed by the meeting.

§ 17. Notification of local meetings are to be issued by the Chairman, or, in case of challenge, exception, or hindrance on his part, by the Vice-Chairman; and is to contain an exact statement of time and place, also of the matters that are to be laid before the meeting.

The notification is to be read in the church or churches of the community at least fourteen days before, and the last time on the Sunday next before the meeting, and is to be posted up at the meeting-house of the community, or other suitable place immediately after its publication.

Should local meetings be appointed for a day on which Divine Service is to be held, the notification ought to be read anew on that day. Should any business demand great dispatch, and cannot, without inconvenience, be postponed, the same may be brought before the meeting for decision, even at a shorter notice of convocation, but in no case less than eight days.

§ 18. Ordinary local meetings are to be held on week days, three times a year, and by preference at the following seasons:—One in the month of March, for passing resolutions concerning the yearly Report, and the account of the management of the preceding year; one in the month of September for fixing the amount of common expenditure and income during the year; for entering upon elections for those offices within the community that will be vacant at the end of the year; and for determining whether discharge for the preceding year's management may be granted to the local committee of administration; and one in the month of December, for examining both the lists of the assessment of taxes, and of voters, as well as the list of collection of taxes and for the election of revisors. In case other matters are pending for treatment at the local meeting, they also are to be considered.

§ 19. In case matters which cannot be postponed occur between the ordinary meetings, extra local meetings may in such cases be convoked, and held even on Sunday, notification thereof to be published in the appointed manner (§ 17).

Questions of expense for the community in pressing exigencies may at such an extra local meeting be taken under consideration; still, such question may not be decided upon unless the notification to the meeting has preceded it fourteen days.

Should an official or private person who is entitled to speak at a meeting wish to convoke an extra local meeting, he must signify this wish to the Chairman, whose duty it becomes to inquire into the matter. In case the petition is not granted, the Chairman may, if required, deliver his decision in writing, with the reasons of it, together with such reference for entering complaints, as is stated in § 72.

§ 20. Matters touching separate communities, or parts of them, may at a general meeting be taken up for inquiry and decision; in which case the meeting is to be held within that community which the Chairmen of the different communities have agreed upon, and under direction of the Chairman of that same community. If they

herein do not agree, the matter is to be referred to the Governor, to whom it belongs to decide in the case.

If the Governor has proposed to convene such a meeting, it belongs to him to appoint the community within which the meeting is to be held.

§ 21. In case a matter pending cannot be brought to conclusion on the day appointed, the Chairman is to appoint another day for a further deliberation of the matter before the meeting is dismissed. Other notification about it need not be issued, except in cases denoted in the latter end of § 19, part I.

§ 22. It belongs to the Chairman to lay the business before the meeting, to lead their discussions, and to see that no other questions are brought forward than those stated in the notification. Should a new question be started, it cannot be discussed before another meeting after the necessary notification.

It is also the duty of the Chairman to superintend the order of the meeting, and to cause persons to be expelled who, after being warned, behave disorderly. In case a disorder arises which he cannot prevent, the meeting may be dismissed.

§ 23. After the discussion has taken place in the meeting, and the chairman has pronounced it ended, the question must be proposed by him worded in such manner that it can be answered by yea or nay; after which he is to make known the decision which has been reached, and to confirm the same by a mallet-stroke, in case no demand is made for a new vote. Should, however, such a demand be made, the voting is to be conducted openly by calling over the names.

Still, no one person can give either for himself or by proxy more than one-sixth part of the total amount of votes present at the meeting.

How the votes are to be counted in a local meeting, is stated in §§ 57 and 58.

§ 24. That opinion which has received the largest amount of votes is to be accounted as the decision of the local meeting. If the votes are equally divided between different opinions, that opinion shall remain in force which belongs to the largest number of heads. If, however, the votes are equal after this manner of computation, that opinion shall be received as the decision of the meeting which is concurred in by the Chairman; but at elections in local meetings, the lot decides where the votes are equally divided. In the questions that are mentioned in §§ 30 and 38, the majority is decided in the manner there appointed.

After the result of the voting is known, the Chairman is to announce the decision, and at the same time to communicate whatever the dissatisfied person may have to observe, as stated in § 72, which information must be entered in the minutes.

§ 25. The Chairman, or a person appointed by him, must enter the minutes in the register. The minutes are to be reviewed immediately, if possible, or at the latest fourteen days after the meeting.

The minutes are to be signed by the Chairman, and at least three members present at the meeting, or by the appointed Commissioners, as also by public deputies, in case such have been appointed.

Should another person than the Chairman have entered the minutes, they must also be signed by him.

Should any one wish to enter a reservation against the decision, he may do it either immediately at the meeting, or in writing at the revision of the minutes, which writing is to accompany the same.

§ 26. Should there be no recital of the minutes in order to have them revised at the local meeting, but another day appointed for that purpose, and Commissioners chosen, and these do not appear, such is to be entered on the register by the Chairman, which, nevertheless, is valid on his responsibility. If the Commissioners appear, but refuse to sign the minutes, alleging it to be at variance with the proceedings at the meeting, the Chairman is to enter such their allegation upon the minute, and to refer the adjustment of it to a new meeting, of which notification is to be issued in appointed order. In case one or more of the Commissioners decline signing their names, for some other reason, or without making any remark against the accuracy of the minute, the Chairman is also to enter such state of affairs on the cover of the register, and it is even in this case valid.

No member or Commissioner may alter his mind after decision in a meeting is pronounced, nor may such afterwards altered opinion in any way affect the validity of the minute, or hinder it from being accounted as revised.

§ 27. Should any decision of a local meeting concern absent persons individually, they are to be informed of it by means of written extract from the protocol of the meeting, so as to enable them to complain of such decision.

Decision in matters the treatment of which has not [illegible] fourteen days

before, as stated in § 17, is, for the information of those absent from the meeting, to be published on the following Sunday, in the church or churches of the community. Such publication is to be issued even in those cases when the accuracy of the minutes of the local meeting is, in accordance with § 26, Part I, attested to by the Chairman alone.

§ 28. Should a speedy execution of the decision of local meetings in any case be necessary, the particulars thereof are explicitly to be stated, and the execution is not to be hindered by reason of the decision not having obtained legal sanction, unless the applying for mutation thereby become useless, or the Governor for some reason finds good to defer the execution.

§ 29. It is the duty of the Chairman to take care that the decision of local meetings be speedily drawn up in writing, and communicated to the local Committee of Administration, or those authorities to whom the execution thereof belongs.

Chapter III.—*Of the Deputies of the Community (Local Deputies).*

§ 30. Should a community agree to commit the power belonging to a local meeting, of considering and deciding matters within the jurisdiction of the same, such may be allowed on the conditions that here below are stated; in case, at least, one-half of the whole amount of the votes of the community be at the meeting represented, and two-thirds of the voters present agree in the resolution concerning this matter.

The Governor shall, without delay, be informed of such resolution.

§ 31. The following matters may not be taken up by the local Deputies, but only by the local meeting for discussion; to wit, (*a*) touching the sale, mortgage, or barter of any such real estate or prerogative belonging to the community, which by grant, testament, or any lawful acquisition. has come into its possession, and given for some purpose to promote the common good; also in cases of agreement or compromise tending to a mutation or restriction of the rights of the community to such real estate or privilege; (*b*) touching the purchase of real estate; (*c*) of taxes to be levied for the purpose of any new enterprise; (*d*) of borrowing means to be used for the common wants of the community; and (*e*) the elections of Chairmen and Vice-Chairmen to the local meetings and local administrations, to local Deputies, to members and substitutes of the administration.

§ 32. Chairmen and Vice-Chairmen of local meetings fill the same position among the local Deputies, and the remaining Deputies are to consist of the members of the local Committee of Administration, and also of so many members separately elected by the local meeting of the community, in order that the whole number of Deputies may be three times as large as the number of the elected members of the administration.

§ 33. With regard to eligibility to local Deputy, and hinderance or exemption from the duty of accepting the charge, and the right of declining the commission, the same regulations are in force as stated in §§ 13 and 14, with regard to Chairman and Vice-Chairman.

§ 34. Those local Deputies who are separately elected by the local meetings are appointed for three years. The half of the number, or in case of an odd number, the number that is next below the half, go out by lot at the end of the second year. In case of the decease, or removal of a Deputy by any other lawful reason during his time of office, another election is to take place; and the person in this manner elected, is to officiate during the remainder of his predecessor's term.

§ 35. A matter may not be taken under consideration by the local Deputies, unless the Chairman or Vice-Chairman, and at least half the number of members be present. For non-appearance, without sufficient reason, the Chairman and Vice-Chairman must pay in fine 5 marks, and deputy 2 marks to the Treasury of the community. In case the meeting has to adjourn on account of deficiency of numbers, the fine is to be doubled.

§ 36. In case [illegible] difference of opinion amongst the local Deputies, a new voting is to take place open[illegible] wherein each member shall have one whole vote. In case the votes are equally di[illegible]d between different opinions, that opinion shall be accounted as the decision of the loc[illegible] Deputies which is joined in by the Chairman.

§ 37. The decision of local Deputies in matters which concern the community, shall, for the benefit of those whom it may concern, be published in the church or churches of the community; and in those communities where both the Swedish and Finnish language are spoken must be issued in both of these languages. When the decision concerns any [illegible] person individually, it is to be communicated to him by extract from th[illegible] local Deputies; and in every case a reference to the entry of com[illegible]ts [illegible] accompany the said extract, in the manner stated in § 27.

§ 38. Not until the expiration of five years after the office of local Deputy is introduced, can any proposal for its abolishment be entered before the meeting. Before such proposal can be considered as approved by the meeting, the same majority is required as in § 30; and the decision in this case must be communicated to the Governor.

Chapter IV.—*Of the Local Committee of Administration.*

§ 39. Every community formed in the country, is to have a local Committee of Administration. Its duties are:—(*a.*) To prepare such questions for discussion at local meetings as are referred to them by the Administration, and to deliver opinions touching the common affairs of the community when demanded. (*b.*) To manage the public charities within the community, and, by its members, every one within his district, take care of the poor, unless the local meeting does decide to entrust these charities to a separate Administration. (*c.*) To give such attendance to the state of health in the community as is directed in § 40. (*d.*) In case of the appearance of murrain, or other unusual sickness among the cattle of the community, to inform the bailiff and the veterinarian immediately thereof, if such person resides in the district. (*e.*) In case the local meeting has entrusted them to try and decide whether a person intending to settle in the community, may there be received or not. (*f.*) Its members to be present at the census when taken in the community, and to see that statements at variance with the actual state of things, be righted. (*g.*) To watch over the order in the community, and where disorders occur, which by the authority of the Committee of Administration cannot be stopped, thereof to inform the bailiff, with reference to the measures to be taken by him. (*h.*) To superintend the management of the common property, such as storehouses, granaries, treasuries, and resources of the community. (*i.*) To make out the list of the assessment of taxes, and the list of votes, in accordance with the decision of the local meeting. (*k.*) To make out lists for the payment and collection of the means appointed at the local meeting for the wants of the community, and give an account of the same. (*l.*) To attend to the payment, collection, and account of the funds demanded at church meeting. (*m.*) To make out a specific list of fines to be paid by local deputies, and members of the administration liable thereto, and to collect the same. (*n.*) To assist at the collection of statistical facts in accordance with those directions and formulas that may have been communicated by the proper persons. (*o.*) In case any person of full age should be found incapable of taking care of his property, by reason of insanity or any other causes, to communicate such fact to the Judge in the district, for such intervention as the circumstances may require. (*p.*) To discharge those duties of guardianship which by a separate statute may have been enjoined upon the local Administration; and (*g.*) Finally, to execute the decisions come to by the local meeting, or the local deputies, and handed over to the action of the Committee of Administration.

§ 40. On the occurrence of an epidemic or venereal contagion it belongs to the local Committee of Administration to communicate such without delay in writing to the Bailiff, or the Provincial Physician, whichever may be nearest; and the said Committee of Administration must, until the before-mentioned officials have adopted their measures, make arrangements for the tending of the sick, and for the prevention of the spreading of the infection. After the physician has communicated his remedies, and instructed them as to the treatment of the sick, the Committee of Administration is to receive these remedies, and, through its members, distribute the same for the use of the sick persons, also to procure for them suitable rooms, and, if necessary, nurses.

§ 41. The local Committee of Administration consists of a Chairman, Vice-Chairman, and at least five members, that are appointed by the local meeting from the voting members residing within the community. At the same time that the members are appointed, half as many substitutes are selected; or, in case the number of member, is not even, then the number that is nearest above the half.

For assistance in taking care of the sick, as also for other agencies, the Administration may, where it is found necessary, employ separate ers for various districts at the expense of the community, who act on the responsibility of the Administrations and according to its directions.

§ 42. Governor, Judge, and Bailiff of a district, Ordinary Bailiff, teachers of public schools, or other officials who are either appointed or paid by the community, or under obligation to render an account of their charges before the Administration, are not eligible to any of those in § 41 mentioned places. Other officials in the community, cannot be compelled to take employment in the local Administration, not agreeable to them.

§ 43. As to the eligibility of Chairman, Vice-Chairman, member, or substitute, or also to the hindrance, or exemption from the duty of accepting such an office, as well as regards the term of office and vacancy by death, removal, or other lawful reason, §§ 13, 14, and 15 are applicable.

§ 44. When a Chairman or Vice-Chairman is elected in the local Administration, the name and residence of the elected is, without delay, to be communicated to the Governor, who must make a notification thereof in the province.

§ 45. In questions which concern public schools, public charities, or the tending of the sick, the Rector of the parish, or the one officiating in his stead, has the right to a seat in the local Committee of Administration, whether he is a member of the same or not. Still, if the last be the case, he is not liable to local taxation, nor is he required to collect and disburse "poor money."

§ 46. The local Committee of Administration is to convene at such times and at such places as they may appoint and as often as the Chairman finds it necessary, or the majority of the members make a proposition before the Chairman to that effect. The Chairman has the power to call a convention of the Committee of Administration, either by notification in the church or churches of the community, or by means of message, where greater despatch is required.

§ 47. In case any lawful hinderance shall prevent the Chairman or Vice-Chairman from attending an appointed meeting, it is the duty of the Administration, if so many members are present that they may come to a resolution, to appoint some one present to preside on the occasion. Substitutes may, in such cases, be called in for that purpose.

§ 48. In cases regarding the decision of a local Committee of Administration, also the non-appearance of a Chairman, Vice-Chairman, member, or called-in substitute without lawful reasons, as well as concerning the proposal of any scheme, and the adoption and communication of resolutions §§ 22 and 23 of local meetings, and §§ 35, 36, 37 of local deputies are applicable.

§ 49. At the meeting of the Local Committee of Administration the Chairman is to enter the minute, or is responsible that such minute is entered. He is to take care of the correspondence, to receive all writings and propositions addressed to the Administration, to be responsible for the proper keeping of the accounts, to take care of the documents of the Administration, to keep a catalogue of the same, without any other remuneration than the reimbursement the local meeting may assign to him for writing-materials, postage, clerks' wages, and watchmen. The assistants required for the doing of this work, the Chairman may take into service and discharge.

§ 50. Minutes and resolutions are to be revised immediately, or at latest at the next meeting of the Committee of Administration. Still, it may be lawful for the Committee to entrust the revision of the minutes, on a day fixed for that purpose, to two or three of its members, together with the Chairman.

§ 51. The Chairman of a local Committee of Administration may, in certain cases, make out certificates of the solvency or indigency of the members of the community, in accordance with information which he may have had an opportunity of gathering concerning their situation and condition.

§ 52. Members of the local Committee of Administration are, in common with the Chairman and other members, responsible for the funds which the Committee has had under its care; as also for securities and other bonds regarding which he raised no objection in the minute.

§ 53. Everyone who resides or sojourns within the community is liable to be called before the Local Committee of Administration, and must appear, provided he is summoned four days before the sitting by one of the members of the Committee, or by some party appointed by him, accompanied by a witness. For non-appearance without assigning a lawful reason, he must pay to the Treasurer of the community a fine of 2 marks, and order[illegible] to appear on another day; if he again declines to appear, the fine is 4 marks; and if [illegible] thereafter still proves refractory, the Committee of Administration may make use of t[illegible]ervices of the bailiff.

Chapter V.—*Of Local Taxes, their Collection, and the Account to be rendered of the same.*

§ 54. Every one must contribute to the common expenses of the community (whether residing there or not) without reference to his religion or profession, who owns or works taxable land, who holds land by tenure or independent estate, who possesses manufactories wo[illegible]ter or steam, who works mines, who trades or carries on any lawful profess[illegible]ought to have his lawful abode within the community, or who receives [illegible]es, pension, or income, so that his competence is known to be sufficient

to enable him to bear a part of the common expenses of the community. Those are exempted from the participation in the common expenses who stand under the domestic authority of another, unless they at the same time occupy such a position within the community, that they, in accordance with the above statements, by reason thereof are liable to contribute means, or in accordance with § 55, by reason of certain wants, are subject to such contribution.

Companies are liable to the same duties.

§ 55. Where in accordance with law or statute in force local taxation is to be paid separately for any of those objects mentioned in § 54, or in case any other cause for contribution to such expense is determined upon, or where members otherwise exempt from taxation to the community contribute to certain of its wants, the regulation provided for each case is to be applied.

If question of a new contribution arises within the community, the rules of taxation are likewise to be decided upon.

§ 56. Those members of the community who are liable to taxation are, every one according to their stated different social positions and conditions (§ 54), after the general assessment is performed, to be charged with certain "Skattôren" (the scale by which possession not consisting in land is taxable) by a separate Committee appointed in local meeting, or, where such Committee is not appointed, by the local administration. In case the administration is charged with such business, a number of the members of the meeting, equal to the elected members of the administration, is to be appointed to aid the same in the taxation as a reinforcement.

§ 57. A list of taxation is to be made out, which, in separate columns for each contributor, is to show the amount he is charged with, and, in case he is a landowner, the amount he possesses.

The list that serves to show the amount charged to, and collected from respective persons, constitutes, with observance of what in §§ 9 and 10 is stated, the list of votes of the community, and is made up in two copies, one of which is posted up in the meeting-house of the community, or at some other suitable place, and the other is kept by the local committee of administration.

§ 58. At voting in matters of community, every "skattôre" is to be equivalent to one vote. If the question concerns only taxable land (the measure or standard by which land is taxed is called a "mantal"), one-tenth of a "mantal," or what falls under it, shall be accounted as one vote; what exceeds it, even unto two-tenths of a "mantal," to be accounted as two votes, and so forth, unless the local meeting chooses to have all the taxation done by "skattôren."

§ 59. It is the duty of local meetings to make out every year an estimate of income and expenditure. In the former are mentioned: (*a.*) The calculated income of the running year; (*b.*) Those amounts already granted for the wants of the community during the coming year which fall due for collection; (*c.*) The income which may from other sources be expected to come to the community during the ensuing year; (*d.*) the amount further required, together with a proposal for raising the same; and in the latter; (*a.*) Those expenses of the community of which either the whole or part thereof become due during the next year; (*b.*) All expenses which, according to already adopted resolutions, are to be defrayed during the same year; (*c.*) Those expenses which may be required for the common wants of the community during the coming year; and (*d.*) An estimated amount of money to be used by the committee of administration in cases of the occurrence of wants unprovided for.

It behoves the different boards or persons which may have been constituted by the local meeting for certain commission to deliver as early as possible to the administration an average estimate of revenues and charges for the ensuing year.

§ 60. The estimates for income and expenditure ought to be made in time to be presented for examination at the ordinary local meeting held during the Autumn every year. After such an examination has taken place, and those questions of new expenses which may appear in the estimates have been discussed and resolved upon, the estimates and the decisions of the local meeting are to be delivered to the committee of administration, whose duty it is to enter in the estimates those alterations and additions determined by the meeting, and without delay to make up the list of taxation and collection.

That amount which the local meeting has agreed upon to be collected during the ensuing year, is to be accounted as the local assessment of the running year, and to be charged to all those that have constituted the tax-paying [illegible] the community during the year, so that the whole amount of taxes is [illegible] between all in the community taxed "skattôren" (see § 58).

§ 61. The list of the assessment and collection of taxes is to contain a reference to those resolutions according to which the assessment of the year are made out, together with a statement of the amount which is to be levied either by "skattören," or some other computation, and to mention every person liable to paying taxes, his residence and name, the amount of "skattören" charged to him, the number of persons for which he is to pay taxes, and the various assessed local taxes payable by him. For necessary control over the collection, separate columns for entering payments and arrears ought to be drawn up in the list.

§ 62. Not only the list of assessment and collection, but also the list of taxation mentioned in § 57 must be made over to the Chairman of the local meeting, whose duty it is to notify the same in the church or churches of the community, where the same may be gone through and examined within fourteen days from the day the notification has been made, by those members of the community who wish to do so. At the expiration of this time the lists are to be presented for public examination at the ordinary local meeting which is yearly held in the winter, when every person liable to taxation may have an opportunity of making such remarks against it as he may consider it his duty to do.

§ 63. In case objections are made to the lists, the local meeting may immediately decide about them, and have any alterations entered in the lists, which must be provided with evidence as to their having been examined by the Chairman and three of the members of the meeting; they must then be returned to the local Committee of Administration, whose duty it is to issue proper contribution-notes, and have them prepared before the end of the ensuing month of January, and at the disposal of the taxpayers at certain places appointed, with regard to the extent of the community and the number of the inhabitants, and advertised in the church or churches of the community.

In the course of the month of February a collection-meeting is to be held at a suitable place, which meeting is to be notified fourteen days before, and to be convened by the local Committee of Administration or certain of its members, unless the local meeting finds it more advantageous for the management of the collection to appoint otherwise.

§ 64. In case any member of the community who is liable to pay taxes should remove his domicile in the course of the year, he is still liable to pay taxes for the current year, but is exempt from taxes for the same year to the community to which he has removed, unless the tax be such that it is payable whether he had settled within the community or not.

§ 65. Those taxpaying members of the community who neglect making remark against the lists of taxation, assessment, and collection, when they are presented for examination, lose all right to complain. If any one made a protest against said lists, and such be not accepted, he may enter a complaint against the decision of the local meeting, in the manner here below prescribed. He is, nevertheless, in duty bound to contribute the amount of taxes imposed upon him at the collection-meeting; but he is to enjoy the right of having his contribution restored along with any expenses which he may have incurred, in case his complaint is found justified, unless the Governor finds reason to liberate the community from making such compensation.

§ 66. It is the duty of the Committee of Administration to make up a special list of arrears of those taxes which have neither been paid nor entered by the local meeting, and make over the same to the bailiff of the district within two months after the dismissal of the meeting of collection, on whom it is incumbent to levy those unpaid taxes, and lay an account before the Committee of Administration.

§ 67. The accounts of the community, which are kept either by the local administration or by any other on the local meeting depending administrative authority, or by special persons, are to be made up for the current year.

Those administrations, or persons appointed by the meeting for especial purposes, are, before the expiration of the month of January every year, to make over to the local Committee of Administration an account of those means which they have had charge of during the last preceding year. Such account must be entered in the general account of the means of the community, which the Committee of Administration is to make out, and which for every year, before the 1st of March in the ensuing year, is to be handed over to the Chairman of the local meeting.

§ 68. After the revisors, that are appointed by the local meeting which is held in the winter, have examined the accounts and proceedings of the local Committee of Administration or by the local meeting appointed persons, a report thereof is to be delivered to the Chairman of the meeting within the prescribed time by the revisors.

In case any objection should be made with reference to the accounts, the Chairman is to demand from the persons concerned their opinion regarding it, and the local meeting held in autumn will have to decide whether the matter is to be dropped, or to be tried and decided by special arbitration. In the former case, or in case no objection has been made, the meeting gives the persons concerned discharge from their administration.

§ 69. In case such arbitration is to be held, the local meeting appoints one or two arbiters, and the Committee of Administration the like number, either from among the members belonging to the community, or from other persons who enjoy respect and confidence. In case the Committee declines such duty it belongs to the jury of the district, after having been informed thereof by the Chairman of the meeting, to appoint the members necessary for the completion of the arbitration at the ensuing ordinary Assizes. These arbiters are thereafter to convene, and conjointly, or in case they do not agree by voting, or if the number of votes on each side is equal, by lot elect a member more, after which they from among themselves appoint a Chairman. This court of arbitration is to decide how far any objection may be substantiated or not, and what the persons concerned may have to observe, and to render a verdict on the question, against which no complaint can be entered.

No person that is elected as member in a Court of Arbitration in the community within which he is residing may, without important reasons and hinderances, decline such confidence.

Chapter VI.—*Of Reference and Complaint.*

§ 70. The decision of local meetings, in order to have full power, has to be referred to the examination and settlement of the Economy Department of the Senate, when the decision concerns :—

(*a.*) The sale, mortgage or barter of any such real estate or privilege belonging to the community, as by donation or will has fallen to the community, and been appropriated to certain purposes for its common benefit; even so in questions of agreement or reconciliation, tending to a mutation or restriction in the right of the community to such real estate or prerogative, and

(*b.*) Proposal for new or increased frontage.

Decisions or proposals which are to be referred to the examination of the Economy Department of the Senate must be transmitted to the Governor, who is to deliver the documents, together with his own opinion thereon, to the said Department.

§ 71. To the trial of the Governor is to be referred decisions of local meetings, containing proposals for new or increased ferriage, and questions concerning any change in the extent of local jurisdiction, in the manner stated in § 2. The approval of the Governor is also required for giving lawful force to decisions towards the promotion of general order and sanitary purposes within the community, also the taking up of loans for a longer term than ten years, and the assessment of taxes for particular wants levied for any period beyond ten years. Decisions referred for trial to the Governor are to be confirmed by him in an unaltered state, or rejected. In case the Governor declines to confirm the decision, he must assign his reasons for doing so, and then the local meeting may, if it sees fit, enter a complaint before the Economy Department of the Senate against such refusal of the Governor to confirm.

§ 72. Any person not satisfied with the decision rendered in local meeting, or by local deputies or local committee of administration, or otherwise, in the case stated in § 19, by the Chairman of the meeting, has the privilege of entering a written complaint against it, which, together with the decision complained of, is to be handed in to the Governor within thirty days by the complaining person himself, or by his lawful deputy. These thirty days are to be reckoned—

(*a.*) In case the decision of the meeting is either revised in the or[illegible] laid down in §§ 25 and 26, or is published in the church or churches of the co[illegible]unity in the manner laid down in § 27, part 2, § 37, part 1, and § 48, from the da[illegible]ch revision or notification has taken place—

(*b.*) In case the decision of the local deputies or the C[illegible] Administration is pronounced, and the complainant was at the time present, then from the day when such notification of the decision took place, and—

(*c.*) In case such decision is pronounced, but the complainant absent at the time, even so in the cases § 19, § 27, part 1, § 37, part 2, and § 48 mention, from the time the complainant was informed of the decision; the day, however, [illegible]which such notification was made to him not to be taken into account. Should [illegible]t neglect what is here prescribed, his action against the decision is lost.

§ 73. Should complaints be brought to the hearing of the proper persons, the Governor is to send the documents without delay to the Chairman of the local meeting, of the local administration, or local deputies, whichever of these authorities communicated the complained-of decision, which Chairman's duty it is to send over to the Governor, without delay, the explanation or statement of those concerned. After the Governor has settled the matter, he is to communicate the verdict, as soon as can be done, to the before-mentioned Chairman, who must make it over to the complainant against his receipt, which receipt is to be entered on the verdict.

Should the complaints be grounded on the fact that the private rights of anyone have been infringed upon, and should such complaints be approved of, the Governor may alter the decision so far as these rights are concerned, but the remainder of the decision to remain in force unless it is found to be at variance with common law or statute, in which case the Governor may make void the whole decision.

§ 74. Should a complaint be made to the effect that the decision has not originated in accordance with lawful order, or that it is at variance with common law or statute, or otherwise passes beyond the competency of those who have decreed the decision, the Governor may, if he finds a reason for doing so, prohibit the execution of the same.

§ 75. Mutation in the verdict of the Governor may, where no other ordinance is enacted, be sued for at the Economy Department of the Senate, before twelve o'clock, on the nineteenth day after getting apprised of it.

Chapter VII.—*Special Statutes.*

§ 76. Market town that has an administration of its own, may constitute a community of itself, or together with the country parish within the territory of which the town is situated. It is incumbent upon the Governor, in any such question of unity, to hear the members of the town, and those of the country community within which it is located, and refer the question to the trial of the Economy Department of the Senate. Until the matter is finally decided, the former state of things is to continue.

§ 77. Should any special aid for entering the minutes, or for other (in § 49) mentioned requirements be necessary for the local meeting, local deputies, or local committee of administration, or otherwise, for the local management of affairs, it depends upon the meeting to decide whether such aid is to be taken into service at the expence of the community; and, likewise, to fix the terms on which it can be done with respect to the safety and good of the community.

§ 78. Chairmen of the local meetings, of the local deputies, and local administrations, are to take good care of the minutes and other documents, and, at their retiring from office, deliver them to their successors.

In case any member of the community desires a verified copy of such documents, or extract from the minutes entered at the conventions of the named authorities, he may not be refused, and the amount of the fee for such business is to be fixed by the local meeting. Such fee is not to be paid for documents which are issued for the common requirements of the community, or to the officials concerned, or to general deputies, neither when decision of local meeting, local deputies, or local committee of administration is by extract from the minute, to be communicated to a private person, whom it concerns.

§ 79. All writings, applications, and so forth, that are handed in to local meetings, local deputies, or committees of administration, and all from those issuing protocols, may be written on unstamped paper. Aforesaid authorities may also enjoy exemption from paying postage, when corresponding with the Governor and other Magistrates in the country.

§ 80. All fines which, by reason of this statute, have been imposed by local deputies or local administration, are added to the common treasury of the community; and, in case of inability to pay such fines, the parties must do work within the community, at the rate of daily wages current in the place.

§ 81. If any one causes injury to Chairman, Vice-Chairman, member, or substitute in the aforesaid administrations, or to specially appointed persons for entering the minute, or to any other local official, because of the charge they are filling, he is to stand the responsibility enjoined in the 9th §, 18th chap. of the Criminal Code, compared with the statute of January 20th, 1779.

§ 82. The arrangement of local affairs in the country, with the exception of Lapland, is to be arranged within three years from this day, in accordance with this statute, and in order to carry this out, the present existing parish meetings are to be

convened for the purpose of considering the making up of the lists, which are to be a basis for the levying of the local taxes, and to constitute the list of voters for the first year.

§ 83. Any community which considers itself unable to arrange its management in accordance with this statute within the appointed time of three years, may petition for a prolongation of this time from the Governor of the province, whose duty it is to try the same petition, and, if he thinks advisable, to grant such prolongation, still not for a longer time than ten years, counted from this day.

Longer respite may be granted by the Economy Department of the Senate, on request being presented by the community.

§ 84. Any community that wishes to make alterations in the regulation of this statute must submit a proposition to that effect to the trial of the Governor in the province, who may, if he does not find the proposed alterations to be at variance with the principles laid down in this statute, confirm the same.

To all whom it may concern.

Helsingfors, February 6, 1865.

According to His Imperial Majesty's own Decree, and in his high name,
(His appointed Senate for Finland.)

No. 15.

Mr. Barron to the Earl of Clarendon.—(Received February 4.)

My Lord, *Constantinople, January* 25, 1870.

ON receipt of your Lordship's Circular of the 26th August last, requiring information as to the laws and customs affecting the Tenure of Land in this Empire, Sir Henry Elliot placed the matter in my hands, and wrote to some of Her Majesty's Consuls, with the view of eliciting information on this important subject.

Since Sir Henry Elliot's departure, my other official duties have so entirely engrossed my time as to prevent me from personally undertaking this inquiry. I have, therefore, in accordance with the concluding passage of your Lordship's Circular, devolved this duty on the senior Second Secretary, Mr. Moore. His absence with the Ambassador in Egypt has necessarily shortened the period available for his researches. He has, however, produced a Report bearing especially on the immediate province of Constantinople, which, considering the shortness of time allowed, and the difficulties which here beset any such inquiries, I consider very commendable.

I have also the honour to transmit an able Report by Mr. Consul Palgrave on the Land Tenure in Anatolia, showing great labour and erudition, and deserving serious attention.

As authorized by the Circular, I beg to forward an account of expenses incurred by him in a short journey to the interior, solely in view of accurate information, and to request authority to reimburse the amount, 3*l.* 16*s.* 6*d.*, to Mr. Palgrave.

I beg further to transmit an able Report on the same subject by Her Majesty's Consul at Roustchouk, addressed to your Lordship under flying seal through this Embassy.

A Report by Sir R. Dalyell on the new rural law of Roumania is also enclosed, which, as bearing on a cognate subject carefully studied by him during his previous residence in Roumania, may probably be acceptable.

I have further the honour to transmit Reports from three other Consuls and Vice-Consuls in European Turkey, those of Monastir, Salonica, and Adrianople, and one from an Asiatic Vice-Consulate, that of the Dardanelles. In order to give more time for preparing his Report, I have authorized Mr. Consul Stuart of Janina, to forward his paper directly to the Foreign Office. By that means these Reports will all reach your Lordship within a few days of the end of this month, the time specified.

I have likewise obtained from a friend, long resident in the Island of Cyprus as French Consul, a highly interesting and original Memoir on the social and industrial condition of that island, from which I extract the enclosed section bearing on agriculture, as showing the modes of cultivation and the relations subsisting between landlords and cultivators.

It is not to be expected that in the laws and customs of this Empire there would be found much applicable to a state of society so different as that of Ireland. Here, in the first place, fixed money-rents are the exception, being [illegible] by the Koran. It can, however, be easily demonstrated that such [illegible] is far

preferable to the conflicts and frauds inevitable in measuring the produce of a farm for the purpose of dividing it between two contending parties, as in the case of the métayer system here prevalent in different forms.

The Reports which I now transmit will be all found to be able and meritorious, and, considering the extreme difficulties of obtaining here any, even the simplest, information, and the shortness of time allotted for these difficult researches, I trust that your Lordship will consider them deserving of special approbation. I am not aware of any important lesson to be derived from their bearing on Ireland, save, perhaps, one: to teach the tenant-farmers of that country to compare their lot with that of the corresponding class in Turkey, and to appreciate the blessings of justice and security which they enjoy. The relations and customs prevailing here between landlord and tenant are generally defective in principle, but much more so in practice. The great blot of Turkey, the vicious administration of justice, here tells with full force against the weak and the poor. This it is, as much as the tax-gatherer, which is gradually depopulating the most fertile tracts, especially in Anatolia.

Sir R. Dalyell has shown in his preceding Reports the happy results in his vilayet of a firm and just administration. Brigandage and corruption were being rapidly extirpated, confidence was created, and great prosperity set in for a time. But all this has ceased with a change of governors, and the Province of the Danube is relapsing into the normal state of chaos which must ensue from the absence of justice between man and man. This is the province which it is most useful to study for the purpose of your Lordship's Circular, as being that most advanced in most respects, and having been provided by Midhat Pasha with many agricultural and statistical institutions unknown in the rest of the Empire. It must be admitted that, in spite of all abuses and economical aberrations chargeable to the administration, absolute pauperism and starvation seem to be almost unknown.

This is no doubt mainly owing to the scantiness of the population, which also precludes anything like the struggle for land observable in Ireland. Human wants are certainly reduced to a low standard, but are easily satisfied all through European Turkey. The laxity of justice, however, almost entirely prohibits the improvement of the soil by the investment of capital.

I have, &c.
(Signed) H. BARRON.

Inclosure 1 in No. 15.

Report by Mr. Moore respecting Tenure of Land in Turkey.

Name of Country.—Province of Constantinople.
Population.—1,200,000 (approximate).
Religion.—Mahomedans, Orthodox Greeks, Gregorian Armenians, Catholic Armenians, Protestant Armenians, and Jews.
Industrial Pursuits.—Commerce, agriculture, and navigation.

Land Occupation.

There is no regular system of land occupation, but the land is held by small proprietors, the large proprietors within this province being limited in number, whose properties are either cultivated by themselves, through proper agents, or let out to tenants and sub-tenants.

Landed property is classed under five heads, viz., Mémlouké, Mirié, Mévkoufé, Mélrouké, and M[illegible].

The "Arazi-M[illegible]louké," or freehold property, is transferable by sale, or by gift, and is mortgageable [illegible] the absolute will of the proprietor. On his death it is divided amongst his children; the males taking two shares to the female's one. These freeholds become the property of the State, and assume the nature of "Arazi-Mirié," when the proprietor leaves no heirs.

"Arazi-Mirié" is Crown property. The tenants of such property hold it in virtue of a "Sénéd" (Title Deed) called "Tafou," which is furnished by a special Crown officer, on the payment [illegible] certain sum, agreed on according to its value.

"Arazi-M[illegible]ié" are lands dedicated to pious institutions, and are leased in perpetuity [illegible] tenants, on payment of an annual nominal rent over and above a sum

representing the purchase-money. The object of this nominal rent is to show that the property of the land remains vested in the bakouf. These lands descend in succession to the heirs-at-law on the same conditions, but in the event of the lessee dying without heirs, they revert to the "bakouf," except under circumstances stated in answer to A. 2.

"Arazi-Métrouké" are uninclosed commons and pasture lands, belonging to the State, but granted for the free use of the inhabitants of the neighbouring towns and villages.

"Arazi Mevat" are waste lands belonging to no one, and situated beyond the boundaries of any town or village. All waste lands on being reclaimed are held on the same principle as the "Arazi-Mirié."

(A.)—Small Proprietors.

1. As much land as can be worked by one or two pair of oxen. A great deal depends upon the nature of the soil; between 20 and 30 acres is the average extent of land cultivated annually by each small proprietor. It is usually very much intersected.

2. The succession to the class of real property, called "bakouf," devolves upon the children of the deceased in equal portions, without distinction of sex or of primogeniture, and to the exclusion of all other relations. Children who are not the issue of the deceased are equally excluded from all inheritance. If the deceased has left no issue, the property reverts to the "backouf," but in such a case, by a recent law, the proprietor, on paying a higher rent (Idjarè) to the bakouf, acquires the right of regulating the succession. This new law is compulsory as regards rural "bakouf" property, which is thereby assimilated to "mulk;" but as regards town "bakouf" property, it is left optional to the proprietor to avail himself of it or not.

"Bakouf" property is divided among the heirs of the deceased, in presence and with the sanction of the trustee. Division is not permitted, if it be ascertained that any diminution in value would result to the "bakouf," even in case the property be divisible.

The law of succession to the class of real property called "mulk" (freehold property) is the same as that of personal property.

The division of "mulk" takes place by common agreement among the heirs, and in case of dispute, by judgment of the "Shéri" (sacred law).

If the property is indivisible, the enjoyment of the whole is granted to each of the heirs for a certain period; the order of enjoyment being determined by lot.

3. The sale or transfer of "bakouff" property is effected in presence and by authorization of the trustee. The deed of sale, drawn up and registered by the administration of the "bakouff," is delivered to the proprietor. A deed of sale under private hand and seal is null and void.

The exchange of property is effected by separate deeds of sale. The duty levied by the administration of the "bakouffs" for the transfer of "bakouff" property is 3 per cent., for "mulk" property 2 per cent., and for division 1½ per cent.

4. None in this province, though borrowing-banks have been established in the vilact of Adrianople. Much benefit has accrued to the agricultural population from them; and the Turkish Government contemplates the establishment of similar banks in several of the provinces.

5. Many of these properties are mortgaged; and although the legal rate of interest is 12 per cent., most proprietors raise money on their lands at 18, 20, and even 24 per cent.

6. The mortgage of "bakouff" property is effected under the form of "réméré," (redemption), that is to say, with faculty of re-purchase. The deed is drawn up in the same form as a simple deed of sale. The duty levied is 1½ per cent.

The mortgage of "mulk" property is effected by an authenticated deed in presence of the Judge of the "Shére," in the same form as a deed of sale of such property. The duty payable is 1 per cent.

The mortgage of "mulk" property can be effected also by deed under private hand and seal.

7. A four-year shift is the usual rotation for raising crops, viz., wheat, barley, and Indian corn; the land lies fallow the fourth year.

Stock is not raised on small properties. Cattle graze on the pasture lands appertaining to the adjacent village.

The mode of cultivation is of a very primitive kind; the ground is merely scratched over with a wooden plough, and the seed sown broad cast.

8. Machinery is not used. Montenegrins, Bulgarians, Croats, and native villagers,

are generally employed as hired labourers on large properties, when the proprietor and his family are not labourers themselves.

The average number of labourers to the area cannot be ascertained.

Female labour is only employed for the lighter operations of husbandry.

The agricultural labourer, who lives with his employer, is engaged for one year, six months, or three months, at a salary varying from 7*l.* to 14*l.* per annum, according to the nature of the work, and the efficiency of the male labourer.

Labourers who are not lodged and boarded, receive 1*s.* 6*d.* per diem.

9. Bulgarians, Croats, Montenegrins, immigrate from their respective countries in large numbers, and settle as labourers in this province for a number of years. They obtain higher wages than in their own countries.

10. The small proprietors live in the villages adjacent to their properties, and the large proprietors live in Constantinople, entrusting the management of their properties to competent agents, who live on them.

11. They are lodged in barns and outlying buildings set aside for them; their food consists of bread, French beans, cheese, olives, oil, vegetables; and at Christmas and Easter they receive a ration of meat. They are clothed at their own expense, with a coarse woollen stuff called "saiak," manufactured in the country.

The employer supplies each labourer with a pair of sandals made of cowhide, as often as he requires new ones.

As a class they are sober and industrious, but poor; they are subjected to no great hardship or ill-treatment.

12. In the absence of all statistics, no satisfactory answer can be given.

13. No public opinion is expressed in this country as to the advantages or disadvantages of any system of agriculture.

(B.)—Tenants and Sub-Tenants under Landlords.

Tenure.

1. The quantity of land held by each depends on the circumstances and credit of the tenant and under-tenant. It is rare, however, for them to work more than two or three pair of oxen; and the great majority work one pair only.

2. After agreeing on the rent and term of lease, and an inventory being made of the live stock, implements, and seed on the farm, a convention is drawn up and signed by both parties, which settles the mode of payment and other matters agreed upon.

The proprietor himself, or his agent, then draws up a statement of the conditions agreed upon, which, on being exhibited to the proper authorities, a deed of lease is accordingly delivered.

The term of lease is for one, three, or seven years.

Sub-tenancies are assignable by the tenant without the consent of the landlord.

3. The tenancy is created by a written agreement.

4. The written agreement is registered by the local authorities, that is to say, is entered on the books kept for that purpose.

5. A tenant is considered as having a legal right to remain in occupation of his holding during the term of his lease, so long as he pays the stipulated rent.

No law or custom exists which gives a tenant the right to retain his holding after the expiration of the term of his lease.

6. A tenant has no right by law or custom to sell his interest in his farm without the consent of the landlord.

Rent.

1. In case of tenancies the payment to the proprietor is made by a fixed amount in money.

2. The rent is not regulated by custom, valuation, or competition; it varies according to the nature of the soil, the extent of land, the quantity and quality of stock, and the term of lease; a bargain is made between the two parties.

3. The rent is payable yearly, half-yearly, and quarterly.

4. The landlord has no power of raising the rent, but possesses the right of eviction in case of non-payment of rent, or breach of covenant during the term of the lease; at the expiration of the lease he has the right of raising the rent.

5. Both proprietor and tenant can have recourse to the proper tribunals.

The landlord's claim for rent has the priority over all other creditors, the Government tax-gatherer excepted.

Evictions.

1. The law confers the right of eviction upon a proprietor in cases where the tenant does not pay his rent, does not take proper care of the stock, or when his mode of cultivation is distructive to the land. The tenant may avoid being evicted on payment of his rent, and by giving guarantee to fulfil the conditions of his contract.

2. Such evictions are not frequent, but when they do occur they are owing to the above-mentioned causes.

Improvements.

1. Buildings and improvements are usually made by the landlord.

2. If by the tenant he has no security whatever.

3. The landlord upon resuming possession, has a legal right to the improvements made upon the farm by the tenant, and the law does not recognize any right whatever of the tenant to compensation.

4. As already stated, the tenant cannot enforce any right in respect to these improvements.

5. Tenants have no means of raising loans for improving their holdings, either from Government, or special public banks, or companies aided by Government.

Miscellaneous.

1. The relations between landlord and tenant are usually friendly. The tendency of he law rather favours the tenant at the expense of the landlord.

2. The mode of cultivation by tenants is very similar to that by small proprietors.

As regards cultivation of their farms, employment of labour, mode and standard of living, solvency, independence, and general circumstances, and character, they may also be assimilated to the small proprietors, although generally somewhat inferior to them.

3. There are no means of ascertaining the annual rate of increase in the population among tenants as compared with that of small proprietors.

4. Tenants do not emigrate.

5. There is no prevalent public opinion as to the advantages or disadvantages of any part of the above system.

6. The creation of freeholds or tenancies by proprietors, or the granting of leases has never been enforced by legislature.

7. Proprietary rights never having been limited, there has been no necessity for compensation.

8. It has already been stated that public opinion does not exist in Turkey.

9. No steps have been taken by Government to create or increase the number of owners or freeholders, and there is no system now in force with this object.

10. Tenants receive no assistance by law, public credit, or otherwise in their endeavours to become proprietors of their holdings or of other farms, and such endeavours are not frequent.

11. The laws in force tend to favour the dispersion of land.

Copyhold.

There are no tenures in Turkey resembling the copyholds of England.

(Signed) LIONEL MOORE.

Constantinople, January 25, 1870.

Inclosure 2 in No. 15.

Report by Consul Palgrave respecting Land Tenure in East[illegible]urkey.

Preface.

The system of land tenure in Asiatic Turkey being based on principles essentially different from those ordinarily admitted in Western Europe, it follows that, in what regards those principles themselves, and their direct or first-hand application, no precise parellelism between the laws and customs affecting the relations of landlord and tenant in Turkey, and those existing in Ireland, can reasonably be expected.

Still, this very Empire, in its close and long continued connection w[illegible]Europe, has

undergone so much practical modification, taking no less than giving, that diversity of starting-point has not always occasioned so absolute a divergence in results as might otherwise have been the case; and hence, when the facts of tenure are under consideration, some kind of comparison between what has passed, or passes, in the two countries becomes not rarely possible, and may prove instructive.

Again, the subject-matter itself, or land with its adjuncts—crops, pastures, forests, and men, whether landlords, farmers, or tenants—being substantially the same in all organized countries, the indirect application and working of Turkish land tenure principles, do, from the very nature of things, often present available points of resemblance to, or discrepancy from, what is reported to exist in Ireland; and here not suggestion merely, but positive inference can find place.

Lastly, the ultimate title of proprietorship being the same in Turkey as in Ireland, namely, conquest; and being also in each voluntarily ignored by the legislature of our times, a further motive of similarity is afforded for the effects at least of institutions thus far analogous in their origin and modifications.

Comparison and inference shall, however, be left as much as possible to competent readers; nor will I, in my ignorance of Irish details, venture on drawing myself parallels and conclusions likely to be of little value. The present Report will only contain a statement of the laws and customs affecting land tenure in Asiatic Turkey and their results, leaving out what particulars, legal or usual, are clearly stranger to the main object in view—namely, some possible inference bearing on the intended settlement of land tenure in Ireland.

Basis of Tenure.

Land tenure, absolute or conditional, in Asiatic Turkey—that is, in Anatolia, Koordistan, Irak, and Syria—is based remotely on the fact of conquest, and proximately on two principles of axiomatic value.

1. That all conquered land belongs, in ultimate and absolute right, to the Sultan, that is, to the supreme Ottoman Government for the time being. This axiom is modified by the co-existent theory, that the land itself was conferred on, and is held by, the said Government in gift of God; and that hence Government itself is bound to administer the land so given in accordance with natural justice, and under recognition of all rights established by law or sanctioned by custom.

This principle, it is evident, affects more particularly absolute tenure or landlordship.

2. That "ijàret," or hire, a term used in Mahometan law to denote the exchange of a definite value against one indefinite at the time of agreement, is admissable in contracts regarding land and produce; whereas that, on the contrary, "Mezaràat," or "Shirket," *i.e.*, "partnership of crops," or "association," are lawful. "Ijàret" is, however, allowed in time-labour, or when the result proposed can be in a manner pre-defined—as in building, house-rent, and so forth.

This principle was laid down by the greatest among Mahometan legists, Aboo Haneefah, of Bagdad, born A.H. 80, died A.H. 150, whose decisions, with some unimportant modifications, have been officially adopted by the Ottoman Government from its earliest organization down to the present day. It affects conditional tenure or tenancy and occupancy.

Attentive consideration of these two axioms, especially the latter, will convince that the primary conditions of Land Tenure and tenancy in Turkey must be intrinsically divergent from those which obtain in Ireland; though, as we shall soon see, this by no means implies an equal divergency in matter of fact.

But in order fully to understand the practical working of the Turkish system, and its ultimate result at the present day, a brief historical retrospect is required.

Historical Division and Allotment of Land in Eastern Turkey.

Omitting the well-known classification of land under "Ushreeyah" and "Kharjeeyah," according as it belonged at the time of conquest to Mahometan or to Christian proprietors,—a distinction of some importance in Western Turkey, but of no consequence soever in the Asiatic portion of the Empire, where concessions and exemptions of all kinds have long since effaced such demarcations,—we find the land under Ottoman rule portioned out shortly after conquest, for all purposes with which this Report is concerned, under five distinct headings.

I. "Miri," or, state property. All land, whether forest, tillage, or pasture, retained under direct Imperial signiory, to the profit of the Government Treasury.

II. "Wakf," or, endowment. Land set apart for the maintenance of mosques, schools, hospitals, and the like. These endowments, if made by individuals, were, and still are, inalienable by law, both in themselves and in all details defined by the will of the endower; but if made by the State, they are liable to be modified, or even wholly revoked at pleasure of the State itself.

III. "Mulk," or, personal property. This title, of its nature a secondary one, remounts to one of three sources—Imperial grant, purchase from Government, or purchase from individuals; the last being, as is evident, ultimately derived from one or other of the former two. But the first, namely, Imperial grant, requires special elucidation.

After conquest, whatever land was not put apart as "Meerè," or "Wakf," was either divided by the new administration in fief among the conquerors themselves, according to the claims of rank and military service, or was confirmed to the original possessors, subject to taxation and the other obligations of the times, or passed into the categories "Metrookah" and "Mubah," terms to be explained a little further on.

The fiefs conferred were classified under three headings, namely, "Sanjak," or "Beglik," "Za'amet," and "Zimar." Of these the smallest, the "Zimar," was under and up to 500 acres; the "Za'amet" was between 500 and 3,000 acres; while the "Beglik," or "Sanjak," besides conferring on its holder certain rights, of which more anon, was generally of larger predial dimensions than the "Za'amet," and occasionally comprised, sometimes even exceeded, the extent of 20,000 acres. "Sipaheelik," or, "soldier's portion," was a name common to all.

The character of these fiefs varied according to the specifications of the deeds of grant. Some fiefs were assigned for life only, others were made hereditary; some were unburdened by any definite obligation; others were charged with military service; others again with a stated payment to the Treasury; others with agricultural tithes; others with a property-tax. Much in the same way the lands confirmed to the original or native proprietors were sometimes made liable to tithes, sometimes to a fixed contribution or service, and sometimes were exempt altogether.

But in all cases Government fiefs were distinguished from other estates by two notable privileges, to which I would call particular attention; because it is precisely their later abolition that has more than anything else brought about the present dispersion, and consequent depreciation of landed property; more even than the causes, however real also, assigned by Finlay, in his able writings on this subject.

First privilege, indivisibility. A Timar, a Za'amet, or a Beglik might, in event of succession, or through other circumstances, become charged with the maintenance of several persons; but the estate itself could not be divided by any incident of succession or of occupancy. Hence the property, if hereditary, passed whole and unimpaired to the eldest male of the family; if a life-grant only, it reverted to the State, by which it was re-granted entire to some new assignee. Female proprietorship in fief-land was barred, except under some rare and exceptional circumstances, provided for by law.

Second privilege—inviolability.—This was secured by the imperial character of the grant itself. The Sultan alone in person could confer a fief, great or small; no subordinate, however high in office, not the Grand Vizier himself, could assign the proprietorship of a single acre of land. Now, the Sultan's grants were formerly esteemed irrevocable, except in case of some great crime, high treason, for instance; or, if hereditary, on failure of heirs. This privilege, combining with the former, tended soon to convert all fiefs whatsoever into perpetual entails, and it was chiefly the power that individual will has always exerted in the East over abstract law that awhile retarded the process.

Now, as the total number of "Za'amets," or larger fiefs in Sultan Suleyman's time (1520-1566), attained 3,192, and that of the "Zimars," or smaller fiefs, 50,160, without counting the "Begliks," or "Sanjaks," not under 500 certainly; it is clear that landed proprietorship as it then existed in Turkey contained within itself a vigorous germ of a national, or, rather, of an imperial gentry and nobility in their true sense, because in their most permanent and influential form.

On the other hand, lands not assigned in fiefs, or "Sipaheelik," were liable to division, sale, transfer, and the like, at the will of their owners, in accordance with the ordinary Law of Heritage, by which, on the demise of a landed proprietor, his children, or other heirs, divided his estate equally between them, without preference even of sex. This division was, and still is, obligatory; and acted so far as a counterpoise to the Government entails above described.

IV. "Metrookah," or "conceded land," that is, all land, whether pasture or forest, conceded by Government, in accordance with immemorial custom, [illegible] free and

commercial use of one or more villages in the neighbourhood. Such land could neither be bought nor sold, be enclosed or cultivated, become matter of contract, public or private, without the unanimous consent of the village or villages to which it belonged. No personal occupation of however long continuance could prescribe against the communal right.

Such lands have always been, and still are, both numerous and expensive in Eastern Turkey. They were originally held tax-free; of late years Government has made an attempt to bring them under taxation, but as yet without effect.

V. "Mubah," or open land, whether forest, pasture, mountain, swamp, or other, to which no claim of proprietorship has yet been made either by Government, community, or individual, and which is consequently open to the first occupant, free of all conditions. This, too, covers a large geographical superficies, half, perhaps, of Eastern Turkey.

Thus much for Turkish absolute Land Tenure, historically considered. We next come to the conditional tenure, or tenancy, of the same period.

Conditional Tenure, or Tenancy, Historically considered.

The priciple laid down by Aboo-Haneefah regarding the illegality of "Ijàret," or a fixed payment, in return for the use of land, coming to a certain degree into collision with the common sense of the matter, as well as with existing facts, gave origin to three distinct systems for the sub-occupation and cultivation of land. Of these systems one, the most widely adopted, was in close accordance with the teaching of the Bagdad Legist; the other two were compromises, as indicated above.

The first, and the most general, was that denominated "Muraba'lik," or produce-partnership. This system I shall now explain at some length, because it is the genuine Asiatic substitute for tenancy, and because on the right understanding of it depends the intelligibility of at least half the present Report. I should add that the term "muraba," adopted like so many other Arabic words into legal or official Turkish, signifies originally a guardian-partner.

"Muraba'lik," or Produce-Partnership.

The proprietor of land which he is unable or unwilling to cultivate in person, engages one or more "muraba's," analogically tenants, really produce-partners, to do his work. The term of the engagement is invariably one calendar year, the base, equi-division of the product.

Seed, and, where requisite, beasts, implements, and so forth, are ordinarily furnished by the landlord or proprietor; who, however, at the end of the year, substracts the equivalent of what he has thus advanced from the "muraba's" half share of the produce. Should, on the other hand, any of these things have been advanced by the "muraba," he in his turn deducts the equivalent from the landlord's half-share on reckoning-day.

In regard of buildings and improvements, the rule is the same. The landlord, in most cases, supplies materials, tools, and, when work exceeding ordinary agricultural skill is required, workmen; the "muraba" bestows his labour and superintendance. Under this arrangement no extra charge is noted against the ultimate half-shares on either side. But should, on the contrary, the landlord or the "muraba" have contributed from his own, over and above what has just been specified, the excess is re-imbursed out of the produce-shares at the year's end.

Tithes, Government Dues, and Losses, are met in the same manner, each bearing a half.

When the year has come round, and, after division made, with compensation, if necessary, the engagement expires of itself; to be renewed or not, at the mutual option of the parties.

In no case can the contract be validly made for a period exceeding one year; and no lapse of time can confer on the "muraba" any right, personal or hereditary, in the land, buildings, or other belongings, beyond his half-share in the usufruct for the current year.

Should the landlord desire to evict a "muraba" before the expiration of that term, he is at liberty to do so; but he must first make over to the "muraba" the equivalent of his anticipated share, estimated on the produce of the preceding year; besides compensation for any extra expense on account of buildings, improvements, and the like, proved to have been incurred by the "muraba," but with the landlord's previous and express consent. Should such consent not have been given, no compensation can be claimed.

In fine, "Muraba'lik" is a partnership between landlord and tenant in a year's produce of the land, upon equal terms, profit or loss; leaving the proprietor's right in the land itself absolutely untouched, and maintaining to him an equally absolute right in all buildings or improvements made on the land, after repayment of the quota value in excess contributed by the tenant as aforesaid.

Such was, under the old regime, the most generally adopted, though by no means universal system of tenancy.

Other Forms.

These, however, various at first sight, were all reducible to two, "Tesarref," or use, and "Resm," or duty. Both were, in fact, near-approaches to the theoretically illegal "Ijàret," or hire, more particularly the former, though disguised by the decent fiction of legal phraseology.

"Tesarref," or use, existed under two forms. In the one, leases were granted for life, at a fixed rate of rent, which could not be raised without Government sanction. The leases were hereditary, but liable to subdivision. Buildings, improvements, and the like, were all at the tenant's own cost, risk, or profit. He could not even be formally and legally evicted; but could be distrained on, or even sold out, in case he neglected to pay the yearly rent.

This form of "Tesarref" was most frequent on "Meerè," or government lands; though it was also to be met with occasionally on "Wakf, or endorsement property. It still exists; to what extent we shall see further on.

In the other form of Tesarref," the leases were limited in duration, being generally for five years; sometimes less. They were renewable at the landlord's will, but not revocable until after the expiration of the prefixed period, whether long or short; at which epoch the rent could also be raised, but not before buildings and analogous expenses were at the tenant's own cost; if he left he had right to compensation, after deduction made for the intervening use. But improvements of a nature to bring profit at first hand, gave title to no compensation, the tenant having already been benefited by them. The leases were hereditary.

This variety of "Tesarreff" was mostly confined to "Wakf," or endowment property, on which it is still sometimes to be found. Later circumstances, of which more hereafter, have occasionally extended it to "Mulk," or private property.

Follows "Resm," or duty. This was universal in the "Begliks," and was frequently practised on the larger fiefs, or "Za'amets."

"Resm" signified the dues which the villagers on the above-named premises paid their feudal lords, in return for the use of the land, and, in great measure, of the crops. The "Resm" was various, being sometimes military service; sometimes tithes in kind; sometimes a still larger share of the produce, up even to half, never above; sometimes fees on certain recurrent occasions, but never, I believe, a fixed rent. The land in general belonged in right to the assignee proprietor; but the peasant's own house and garden within that land were considered as his private property, and passed to his heirs-at-law, subject always to the same conditions under which he had himself held them. It was a modified serfage, but personal, not of the glebe; for the peasant cultivator was always free to change from one demesne to another, if he could. Nor could the proprietor of the "Beglik," or "Za'amet," legally expel his vassal tenant, though acts of injustice and oppression, practically tantamount to expulsion, did at times take place, yet not often.

On the "Begliks" and larger "Za'amets" the proprietors would also frequently entrust a part of the cultivation of the land to their own numerous personal retainers, whom they repaid by food, lodging, clothes, arms, and the like, rather than by any stated stipond. These retainers were chosen the most part from among the peasants of the manor itself.

Summary.

Thus the land was divided between two distinct categories, namely, "Meeré," "Mulk," and "Mubah," or State Property, Private Property, and Unreclaimed, on the one side; and "Sipaheelik," "Wakf," and "Metrookah," Endowments, and Common, on the other. The former category represented the principle of sub-division, and of small estates; the latter that of entail, and of large estate; but the balance was not even between the two classes, it inclined in favour of the latter.

Again: sub-proprietorship was of four kinds, namely, produce-partnership, tenancy for life, tenancy on short lease, and serfage. Of these the first represented the Arab or Mahometan principle; the three others the Imperial or Turkish. Thus [illegible]oo formed two influences, and pretty evenly balanced each other.

Lastly: it is worth noting that most of this territorial nomenclature is military in origin and in significance. For four centuries the Ottoman Government, wisely or not, made no attempt to shirk or disguise the fact of conquest; though by the remarkable mildness,—till within the last forty years,—of their administration, and by their large and almost contemptuous toleration, on their own territory, of religions and usages different from their own, they rendered in general the fact and title not distasteful to the conquered races themselves, in Asia at least. Later discontent, while pretexing historical, or mythical, reminiscences, has been really due to extra-territorial influence and excitement.

Further Modifications of Land Tenure under the Old Regime.

It would be long to track all the social and political causes which during the lapse of four centuries modified this system, and profoundly changed it from its original institution. Suffice for our present purpose to give the result; and to say that at the end of the last century, and up to the first quarter of this, the proportional division and tenure of land in Ottoman Asia was as follows:—

"Mubah," or unreclaimed; about two-fifths of the geographical surface.

"Metrookah," or common; a little under half of the remainder or reclaimed lands.

Land under Tillage.

"Meeré," or state property; about one-twentieth of the cultivated surface; farmed out by the Government in large estates to wealthy Greeks or Armenians the most, and by them sub-let partly to tenants on the "Tesarref" system already explained, partly, but less often, to "Muraba's," or produce-partners.

"Wakf," or endowment-property; about one-fourth of the cultivated surface; administered by Mahometan trustees, often hereditary, sometimes designated by special appointment or purchase; occupied the most part by tenants under the one or the other form of "Tesarref;" occasionally portioned out to "Muraba's," as above.

"Sipaheelik," or fief-lands, whether "Beglik," "Za'amet," or "Timar;" some fiefs having been originally life-grants, some hereditary; but, at the time we are now speaking of, having all become hereditary in practice. The whole about one-half of the cultivated surface.

The "Sipaheeliks" had now crystallized into two classes.

1. "Begliks," or titled properties, involving a quasi-feudal signiory; manors, in fact. The lords of these manors were, in the Turkish-speaking provinces of the Empire, namely, Anatolia and Koordistan, called "Déré-Begs," or lords of the valley; in the Arab districts, *i.e.*, Syria and 'Irak, they were entitled "'Ameers," or governors. Their demesne, like their dignity, was strictly hereditary. The former was theoretically entailed, but in practice was occasionally subdivided to some extent among the heirs in direct line; the latter was common to all members of the family. "Resm," or vassal duty, prevailed on their lands.

2. "Za'amets," and "Timars," the original distinction between which had now become blurred; these had also transformed themselves into hereditary fiefs, but without regular signiory. The peasantry on them followed, in some districts, the "Muraba'lik," or produce-partner system; more rarely those of "Resm" or "Tesarref."

Lastly, "Mulk," or private property, strictly speaking, held on the ordinary personal tenure, and subject to all legal conditions of purchase, inheritance, and subdivision. It constituted the remaining fifth of the cultivated surface; and, where not tilled by the proprietors themselves, was administered by "Muraba's," as above.

Thus, partly by "Resm," or vassalage; partly by "Tesarref," or rent, at that period generally on life-leases; partly by "Muraba'lik," or produce-partnership, which had also taken colour from the semi-feudal institutions around, and tended to become a life-tenancy, the tenure of culture-land in Eastern Turkey had gradually moulded itself into one huge partnership between permanent landholders, mostly with large estates, on the one hand, and peasant cultivators, mostly with a life-interest in the land, on the other. In this partnership the yearly profits and liabilities were not unequally shared. Greater liabilities, consequent on general events, such as wars, plagues, earthquakes, and the like, rested mainly on the landowners, who in return retained the totality of their proprietorship intact; while some special lesser liabilities, such as extra labour, personal military service, and feudal dues, rested on the associated peasantry; who again found their compensation in the opportunities afforded them naturally enough by such a system of augmenting their share by countless little underhand practices considerably beyond its proportions in the original bargain.

General Result.

It would seem, on the evidence alike of history and of still-surviving fact, that both landowners and peasants found their profit and advantage in this state of things; the relations between them were, with rare and individual exceptions, substantially friendly; nor were forcible evictions of tenants or assassinations of landlords more ordinary events than are such-like proceedings among the partners in a bank or in a shipping office. Population was decidedly on the increase; agriculture, on the whole, flourished; great land-improvements, of which the traces yet remain, were made; and there was, above all, a growing tendency to convert pasture-land into tillage, not tillage into pasture-ground. No agrarian risings, no rick-burnings, no anti-landlord associations appear on the county annals of Eastern Turkey; where deeds of insubordination and violence are indeed only too frequently recorded, but none of which the origin can even remotely be traced to peasant discontent and systematic hatred of the landed classes. Yet, had such feelings existed, they would have found speedy and deadly vent in a land where for four centuries all the villagers were armed, and far the greater number of them were or had been soldiers at some period of their lives.

Parallels and contrasts with the Annals of Irish Land Tenure can hardly have failed to suggest themselves in the course of this review.

Present Conditions of Land Tenure in Eastern Turkey.

But, during the last forty years, the circumstances and conditions of land tenure, whether proprietorship or tenancy, have been greatly altered by causes, which may best be elucidated by the consideration of their results, immediate and remote. The immediate results affecting more directly proprietors or landlords are, the Sub-division and the Depreciation of land.

Sub-Division.

The large estates, which form so prominent a feature in historical retrospect, have at the present day totally disappeared, or are fast melting away, while every year renders the division of landed property still more fractional.

The first and main cause of this has been the resumption, or, rather, the suppression of all military fiefs throughout the Empire; that is, the fiefs above described as "eipaheeliks," whether "begliks," "za'amets," or "timars." This suppression was commenced by the Sultan Mahmood II (A.D. 1808-1839), and was completed by the Sultan 'Abd-el-Mejeed, his successor, in the first year of his reign.

Accordingly, by these two Sultans, all the property-grants made by their predecessors were cancelled, and all hereditary entails absolutely done away, with all semi-feudal rights and privileges, signiories, serfages, and the like. Where opposition was neither offered nor apprehended, the lands were, indeed, left in the hands of their then existing proprietors, but for life only, and under the ordinary conditions, to be explained further on, of private estates; but wherever resistance was made, or seemed likely to be made, that is, in about three-fourths of the "begliks," and a full half of the lesser and non-signiorial fiefs, the lands were confiscated, and the landowners put to death or banished. In such cases the estates were forthwith resold piecemeal by Government to the first bidders.

With the wisdom of these measures, for which Mahmood II and 'Abd-el-Mejeed have received much praise from a certain school of European writers, French in particular, we have nothing here to do. The fact belongs to history; the praise has found no echo in Turkey. A single blow felled large estates, entails, nobility, and gentry throughout the Eastern Empire, never to rise again.

For a second cause now came into operation, effectually to prevent the splintered trunks from re-uniting, and to perpetuate and even multiply their cleavage. This was the law of land inheritance, under the unchecked action of which the entire mass of what had once been indivisible "sipaheelick" demesne, "beglik," "za'amet," and "timar" was now brought.

This law directs imperatively, and without exception, that all landed estates soever should, on the demise of their owner, be divided in equal allotments among the heirs of the first degree in descending or ascending line, male and female alike; failing these, among the heirs in collateral line, male and female; failing these, among the remoter kindred; all failing, the land reverts to the State, to be again divided among such of the conterminal proprietors or neighbours as consent to pay to Govern[illegible] 10 per cent. duty on the purchase. Thus, for example, should a landholder dying [illegible] three sons and three daughters, his estate would be divided into six equal portions, and so on.

This law, being now no longer balanced by any exceptional provisions, such as were formerly attached to the inviolable, so deemed, and indivisible Sipaheeliks, is alone sufficient not merely to forestall accumulation but to ensure dispersion.

Depreciation of Land.

How far this has gone may be gathered from the fact, that at the present time nō creditor in Eastern Turkey will accept in settlement a mortgage on his debtor's estate, though due provision in law exists for such acts; and though meanwhile houses, shops, and other objects are mortgaged, or, more correctly speaking, pawned every day, land only has absolutely no value in the credit market.

The causes of this depreciation are many.

First, the very facts just mentioned under the heading "Subdivision;" the shock given to public confidence by the arbitrary annulment of grants and privileges long believed to be inviolable; the no less arbitrary manner in which that annulment was carried out; and the testamentary laws which rendered land the least desirable of all possible investments where a family is in view.

Secondly, the conditions of purchase, sale, and transfer of land, under the existing Legislation. These are as follows:—

On the purchase of land from Government no title-deed is granted, but in its place the purchaser's name is entered as such on the official register, and a premium of 10 per cent. *ad valorem*, over and above the cost price of the land, is paid by him on the spot. Of this payment he receives a paper of quittance; which, apart from the registry-book itself, over which he has no control, is his only title.

Should he desire to re-sell, he must provide the new purchaser with the original paper of quittance; and, on its production at the Registry Office, the intended transfer is entered on the lists, and a fresh premium of 5 per cent. is claimed by Government. But should the quittance paper have by any accident been lost, or be otherwise not forthcoming, the premium rises to 10 per cent., as at the original sale, and so on through all future sales and transfers, *ad infinitum*.

In private as in public sale no legal deed is recognized; the receipt for the last 5 per cent. or 10 per cent. and the registry-book, of which no copy or extract is given to either buyer or seller, are the only valid documents.

A third cause is in the overweight of excessive taxation on land and its produce. This cause, both in its details and in its results, has been sufficiently explained by myself in an official Report on a Consular district visit, dated November 16, 1869. To it I now beg leave to refer; as the subject, to be properly treated in these pages, would require too wide a space. Suffice here to say, that rural taxation in Eastern Turkey amounts to about 26 per cent. of the land-proceeds, considered in themselves; and to about 160 per cent. considered in relation to the concurrent outlay.

A fourth cause of the depreciation of land is official spoliation, direct and indirect. Direct when, as daily occurs, land is summarily taken from the proprietors for the construction of a road, a barrack, or some other public work, without any return or compensation soever. Indirect, by the ever-recurring requirement of forced labour from the peasantry on all imaginable occasions; and the consequent subduction of so much work from land-culture.

Fifth cause: the forfeit of 10 per cent. *ad valorem* exacted by the State from any proprietor who may have allowed his land, whether plough, garden, or other, to remain fallow above three years. This enactment forms part of the Landed-Estate Code, issued by the "Tanzeemat-Mejlis," or "Reform Council," on the 21st of April, 1858. And here I may summarily remark that the entire Legislation of the said Code, actually in force, tends to lower the value of land, both by the imposition of heavy Government dues on every transaction connected with it, and by invariably giving a legal preference to the contingencies of doubt and transfer over those of possession and permanence. In a word, the Code hampers occupation and invalidates proprietorship throughout.

Other causes might be noticed; but the above suffice to account for the change by which that which was formerly the first article in the Eastern Turkish market, is now the last in national esteem.

Such, within the space of only forty years, have been the direct effects of the annulment of title-deeds, and the sub-division of estates on land proprietorship in Asiatic Turkey. Whether analogous causes might issue in like results elsewhere, is a serious consideration, one which lies beyond the sphere of our present Report. Much may doubtless depend on special conditions, and the diversity of local circumstances, of national idiosyncrasies perhaps.

Modification of Tenancy.

But while direct proprietorship, or landlord rights and profits, have been thus affected, sub-proprietorship or tenancy has not escaped.

We have already stated, that the greater number of the fiefs, while yet entire, were cultivated on a semi-feudal system; the peasants holding the position of personal, though not of territorial, serfs; giving labour in return for maintenance and protection; retailing a not very accurately defined share of the produce, in requital of services and dues not more accurately defined; and enjoying a permissive occupancy right, seldom interfered with. All this ceased, of course, on the suppression of the fiefs themselves.

Where the estates left in life tenure to their original proprietors were small, and where confiscation followed by piecemeal sale came into action, that is, in about four-fifths of the fief lands, the "muraba," or produce-partnership system, immediately replaced every other. Where, however, submission or weakness allowed estates of considerable bulk, no longer privileged indeed against future division, yet entire for the moment, to remain in the hands of the original proprietors, or where some wealthy purchaser took up the estate on confiscation, whole and undiminished, it became necessary to fill up the void left by serfage in other ways.

In some cases, but not numerous ones, hired labour at fixed wages per diem was introduced. The peasants retained, as a rule, the prescriptive occupation of their houses, and even of the little gardens often attached to them; but lost all right, legal or usual, in the ploughed lands, and in the partnership of the crops, which they henceforth cultivated on hire for the landowners. This arrangement still subsists here and there; but as the estates are, from inheritance and other causes, being themselves constantly frittered down to smaller and smaller dimensions, the class of hired labourers diminishes every year, and "murabas," or produce-partners, take their place.

In a somewhat larger number of instances the peasants have retained their quasi-right in the land they till, and have become tenants on the "tesarref" system, either at life leases, or, more ordinarily, on renewable leases, as explained already.

The "wakf," or endowment lands, having, though with some difficulty, escaped the sweeping confiscations of Sultan Mahmood, and his successor, continue so far to be cultivated in the manner before described. But the actual tendency of the Executive, which in this country partly includes and wholly controls the legislative, being to diminish, and even, when possible, wholly to break up these endowments, the "wakf" estates have also undergone a considerable, though gradual, alienation and sub-division; in consequence of which the "muraba" system, one readily adopted by indolent trustees or proprietors with small plots of ground, has come in here latterly also.

Lastly, a similar process has been at work on the "meeré," or State lands, originally cultivated on "tesarref" by tenantry, now daily sold off in small lots, to meet the exigencies of an ill-administered and always exhausted Treasury; and thus more and more passing away into little fractional estates, cultivated by "murabas."

"Metrookah," or pasture and forest common lands, remain much as they were; "mubah," or unreclaimed, is on the increase.

Further Effects of the Sub-Division and Equalization of Land.

By far the greater number of landlords being, from the combined influence of the causes above-enumerated, too poor to employ hired labour on a profitable scale, have now adopted the "muraba" system; so that, at the present day, three-fourths of the cultivated surface is split up into an almost infinite number of small farms, worked either by the pauperized proprietors themselves, or by associated peasants, who stand to the landlords in a numerical proportion of about three to one.

Thus landed property is still, as before, one vast limited-liability association—with this difference, however, that, in a general way, the partners are now all small, and almost all bankrupt.

The backbone of the old system—I mean the large entail estate proprietors, men able to meet a demand, to support a failure, to lift their [redacted]-landlords over a difficulty—being gone, the entire mass is fast collapsing into a chaos of feeble land-owning or produce-sharing beggars, too slender, the most, to bear the yearly burden of expenditure and taxation, and utterly crushed by a single bad harvest. No one has strength to carry out, or even to undertake any real improvements on his wretched little plot of ground; no one feels that ground firm enough under his feet to attempt any superstructure of capital on it; no one cares to better what, if bettered, only so for the increase of Government dues, and the ultimate ruin of legal [redacted] hereditary partition.

Such is the condition into which the greater part of the landowners in Eastern Turkey are already sunk, and into which the small and decaying remnant of the better sort are rapidly sinking. Meanwhile agriculture wanes on every hand; its quality and its quantity alike deteriorate and diminish; pasture-land encroaches on plough-land, waste-land on both; cottage-roofs drop in, and the country population emigrates or dies away. A sad landscape, but a true one. I have seen the original in "Irak" from Bagdad to Mosool, in Syria from Damascus to Aleppo, and in Anatolia from Erzeroom to Angorah, and can neither forget nor overdraw it.

If any one wishes to know the effects of estate-titles annulled, property subdivided, and landlords and tenants placed on a level, let him travel a few years in Eastern Turkey; the lesson is unmistakeable.

It may be asked, Is there any hope in the end? I answer, None, under the existing land legislation—of land taxation we for the moment say nothing—none all the more that the "muraba'lik," or produce-partnership, now next to universal, defers the ruin which it helps to consummate, and holds the peasantry back from the despair which might prove their best hope. This system helps on the ruin by the lazy, uninterested spirit it induces; lazy in the landlord, uninterested in the peasant, who, under it, neither can nor does look beyond the end of the year. It holds back from despair by supplying present want with a present pittance, wretched and dwindling indeed, but a pittance still. Were the peasantry utterly desperate, their despair might force a remedy; as it is, they are only, though deeply, discontented, not with their landlords, equally discontented as themselves, but with the Government, and the order of things induced by Government. And while to create large landed proprietors, who might be a prop and a stay to the peasants, is as difficult as to destroy them was easy, it is hard to see what remedy Government, even if so disposed, could apply. But if a moral is to be drawn from the measures of Sultan Mahmood and Sultan 'Abd-el-Mejeed, it is merely a moral of evidence, not of imitation. The excess of large estates is an evil; the excess of small ones is perhaps a worse.

Statistics of Land, Landlordship, and Tenancy, in Eastern Turkey.

Before concluding this general sketch, I will attempt to supply, so far as possible, a statement showing the proportion between waste, pasture, and tillage land, and the other divisions of proprietorship and tenancy, of occupation and labour, treated of in the preceding pages.

Land statistics were formerly not ill-kept in the Ottoman Empire, and from what has been preserved of them in history and treatise, we are able to form a tolerably clear idea of the conditions of land tenure, cultivation, proprietorship, serfage, and the like, from the reign of Mahomet II to that of the Sultan Murad IV (A.D. 1451—1640), at least. But in the disastrous times that followed, and more especially, it would seem, in the anarchical condition of Constantinople during the troubled reigns of Seleen III and Mustapha IV (A.D. 1789—1808), the State records of the Empire were ill-kept, perished, or were dispensed beyond recovery, and the reforms of Mahmood II and 'Abd-el Mejeed did little to fill up the gap. Even at present, though personal statistics receive some degree of attention, land statistics are neglected; what little is accurately kept remains unpublished, and any formal attempt to obtain information on these points is apt to be regarded with jealousy, and even thwarted, when possible, by the Administration. Hence I am compelled on this occasion to fall back on my own personal observation, seeing or hearing; an indifferent guide, but anyhow of a range nearly co-equal to the Asiatic provinces now under consideration.

I should, therefore, subject to correction, estimate the actual division of land in Eastern Turkey as follows:—

"Mubah," or wholly waste, including much that no possible cultivation could ever reach, as high mountain chains, or waterless deserts, one-half.

"Metrookah," or common land, forest and pasture, especially the latter, two-thirds of the remainder.

Cultivated land, one-sixth of this again.

"Wakf," or endowment, one-fourth.

"Meere," or State property, one-twentieth.

"Mulk," or private property, seven-tenths of this again.

Larger estates, cultivated by tenants on the "tesarref" system, or by hired labour, one-seventh.

Small estates, cultivated by "muraba's," or by the peasant owners themselves, six-seventh[illegible]

Assuming as correct the calculation given by Heuschling, who estimates the geographical superficies of Eastern Turkey, exclusive of Arabia proper, with which this Report has no concern, at 1,219,762 square kilometres, or 121,976,200 hectares, and taking the hectare at its fairly approximate value of 2·5 English acres, we have:—

	Acres.	Acres.
Total superficies in question		304,440,500
From this as base, and proceeding according to the proportions before assigned, we have:—		
"Mubak," or unreclaimed land		152,220,250
"Metrookah," or common, forest, and pasture		101,480,167
Cultivated land		50,740,083
And of this again:—		
"Wakf," or endowment lands	12,685,021	
"Meeré," or Government property	2,537,004	
"Mulk," or private property	35,518,058	
And of this again:—		
Larger estates, cultivated by tenantry or by hired labour	5,074,008	
Small estates, cultivated some by their peasant owners, some by "Muraba's"	30,444,050	

These smaller estates average from 5 to 50 acres each.

"Wakf" and "Meerè" are at the present time almost equally divided between estates large enough to support a tenantry, and estates too small for that and accordingly cultivated by "muraba's."

Taking this into consideration, we obtain:—

	Acres.
Total of land divided into estates exceeding 50 acres, whether State property, endowment, or private property; and cultivated partly by tenantry, partly by hired labour	12,685,020
Total of land divided into estates from 50 acres and under, cultivated by the owners themselves, or by "Muraba's," *i. e.*, produce partners	38,055,062

If we next desire to determine, approximately of course, the relative numbers of landlords and tenants, taking the latter word at its largest acceptation in Eastern Turkey, we can do so, bearing in mind six circumstances essential to right calculation in this matter.

Firstly, that among the estates exceeding 50 acres, few are of really large dimensions, the greater number ranging between 50 and 300 acres only, and all, with hardly any exception, being in the hands of proprietors whose liabilities considerably exceed their capital.

Secondly, that the lands entitled "meeré" and "wakf," even for that portion of them which is divided into large estates, must be subtracted from among the lands of proprietorship strictly speaking, because held by trustees only, who are themselves, under the present Administration, subject to various restrictions placed on them by the "Awkaf-Jdáret, or Board of Endowment, and even liable in some cases to removal or substitution at will.

Thirdly, that of the smaller estates, those namely under 50 acres, about one-third are cultivated by the owners themselves, the rest by "muraba's."

Fourthly, that the tenants on life-rents who at the present time occupy about one-fourth of the "meerè" and "wakf" lands, respectively, may fairly be reckoned among the proprietors, their position being practically equivalent to ownership of the land.

Fifthly, that a Turkish peasant, whether proprietor, tenant, produce partner, or day labourer, can, with the assistance of his family and after the fashion of the country, cultivate on an average about 20 acres of land year by year.

Sixthly, that where proprietors and "muraba's" co-exist together, as is generally the case on the middling-class estates, the proportion of the latter to the former is roughly given as four to one.

Returning now to the land-dimensions already assigned, and making our calculation accordingly step by step, we obtain the following result:—

Comparatively large landholders in Eastern Turkey	16,914
Small landholders	634,253
Tenants for life	190,275
Total of landholders in Eastern Turkey	841,442
For the non-proprietors we find—	
"Muraba's," or produce partners, whether on State lands, endowment lands, or private property	[illegible]395,351
Tenants-at-will, and day-labourers	[illegible]43,900
Total of non-proprietor cultivators in Eastern Turkey . ..	1,[illegible]251

From which it appears that among the classes immediately concerned with land in Asiatic Turkey, the non-landholders are to the landholders in a proportion little exceeding two to one; or, in other words, out of every three peasants one, on an average, is a landed proprietor.

Now, in Sultan Suleyman's time the number of "Sipahieliks" was, as we have seen, reckoned at 53,352; of which certainly not more than one-half were held in that portion with which the Report is concerned. As each "sipahielik" represented one landed proprietor, neither more nor less, the number of fief landholders at that time in Eastern Turkey may be estimated at 26,676. Adding to these a double number for "mulk," or private property, along with the hereditary occupants of "meeré" and "wakf" lands, we obtain 80,028 landholders in all, that is, not one-tenth of the actual number, though there is every historical reason to believe that the general population of this part of the Empire was then considerably denser than it is at the present day, and the cultivated surface wider in extent.

Concluding Remarks.

Accepting the above data, statistical or otherwise, and combining them with personal observation and with the opinion of the most competent native landholders, we are enabled to draw up a summary comparison between the agricultural or land conditions of Eastern Turkey before and after the "Tanzeemat" of the Sultans Mahmood II. and, 'Abd-el-Mejeed, as follows:—

The tendency of the former period was to the security, permanence, and accumulation of land tenure; that of the latter to insecurity, change, and disintegration.

The tendency of the former period was to encourage agriculture, and to raise the value of land; that of the present, to discourage the former, and to depreciate the latter.

The strength of the former period was in the permanance of large estates and numerous tenants; the weakness of the latter, in the multiplication of small estates and numerous landlords.

Two further conclusions may yet be drawn:—

That the present conditions of landlord, life-tenant, and profit-partner offer little to choose. The first and second being too feeble for want of capital to work the land to any real profit; the third having too ephemeral an interest.

That in such a state of things no advance, economical, social, moral, or intellectual, can be expected from the agricultural population, whether landlords or tenants, and that none, in fact, exists; on the contrary, that cultivators and land are alike deteriorating, and will deteriorate more.

Answers annexed to a Report on the Laws and Customs affecting the Tenure of Land in Eastern Turkey.

Name of Country.—Asiatic Turkey, exclusive of Arabia, and including the provinces of Koordistan, capital Van, N.E.; Anatolia, chief town, Sivas, N.W.; Syria, capital Damascus, S.W.; and 'Irak, capital, Bagdad, S.E.

Population.—Generally estimated at about 15,000,000.

Religions.—Mahometans, mostly Soonnee, about two-thirds; Christians, of twelve different forms, about one-sixth; Jews, and anomalous sects of various origin, one-sixth.

Industrial Pursuits.—Agriculture in all its branches is the chief; handicraft of every kind, but all feeble and discouraged; machinery almost unknown; on the coasts trade, and transit-traffic in the interior. The proportion of the agricultural and pastoral population to the manufacturing and trading is fully ten to one.

LAND OCCUPATION.

By (A) numerous small proprietors; and (B) produce-partners, tenants for life, and tenants on term. The proportion of (B) to (A) is about two to one. Full details on this subject given in the statistical section of the Report.

(A.)—SMALL PROPRIETORS.

1. From five to fifty acres. It is usually held together, or if intersected, only so by waste land.

2. Equal division among the heirs of equal degree, ascending, descending, or collateral, without distinction of sex. Failing heirs, the property to be sold parcel-wise among

the conterminous proprietors, who pay a 10 per cent ad valorem tax to Government on the purchase. For further details, see the Report.

N.B.—This system of hereditary partition is peculiar to landed property.

3. Sale, transfer, exchange, or division, other than testamentary, of land are legally effected by registry in a special office book kept for the purpose at the ordinary Government konak, or residence-house, of the district. A copy of each such registry is transmitted to Constantinople; but no attempt at arrangement or publication, metropolitan or local, has yet been made, nor is any extract-copy given to seller or buyer. No other deed of conveyance is required, or, if framed, has any legal value. A registry due of 5 per cent. *ad valorem* on the property transferred is exacted; and of this a receipt is given, which must be kept by the purchaser for production against any future sale or transfer. Should the receipt be then missing, the registry due is doubled, thus becoming 10 per cent. The same occurs on the initial purchase of State-land, or Meeré, which is then entered for the first time in the registry-book.

4. Owing to the depreciation of land, explained in the accompanying Report, loans on such properties are extremely rare, and, indeed, in the provinces wholly unknown. Nor am I aware that any special facilities from Government or other exist for such purpose, unless it be, perhaps, from the Ottoman Bank. Anyhow, the whole course of such transactions is at zero.

5. Land-mortgage, owing to the depreciation just alluded to, is almost unknown. Landed proprietors generally meet their obligations by renewed borrowing, then insolvency, then sale at a loss. The rate of interest on the objects of pledge or mortgage usual in these countries—namely, houses, shops, khans, and the like, is by law 12 per cent., by universal but fraudulent practice, 24 per cent. or 30 per cent.

6. This query, like the preceding one, has no practical bearing on these countries, where land-mortgage can hardly be said to exist. But should it occur, no special registration is made any more than of house-mortgage or the like. These are matters of private convention; the contract is legalized by being drawn up on Government stamp paper, duty 2 per cent. *ad valorem* between the contracting parties, or by special application subsequently made to the local authorities, or by litigation itself.

7. Cereals, among which wheat, barley, and maize, hold, for quantity, the first rank; millet of various kinds, the second; and rye and oats, the third—are the most universal crops. Tobacco is largely grown on the coasts of Anatolia and Syria; also in some of the inland districts, as "'Irak." Hemp and flax, yellow grain, opium, madder, ricinus, and second-rate cotton, are local but remunerative growths. The plantation of mulberry-trees for silk-rearing is everywhere on the increase; olive-groves are numerous on the Western and Southern Anatolian, and all along the Syrian Coasts; vineyards succeed best in Syria, as also orange and lemon trees; other orchard-trees almost everywhere, Koordistan excepted. South of latitude 32° 30′, date-palms are the staple article of growth, at least in the "'Irak" districts.

No regular rotation is observed. The same land is tilled for the same crop five, or even ten years in succession; then, when manifestly exhausted, allowed to lie fallow a year or two; then re-tilled again. In Syria and other genial districts, two distinct crops are often raised on the same ground in the same year, *e. g.*, barley in the spring, and maize or millet in the latter summer. Manure is occasionally, but rarely and irregularly employed.

Among the latter crops often sown, gourds, melons, and pumpkins of all sorts should be mentioned. In the list of ordinary crops I had forgotten to mention rice, never of a fine quality, but abundant in the low-lands of Anatolia, and in "'Irak," along the Euphrato-Tigris Valley; also pot-herbs, the "badinjan," or egg-plant, especially, and the "bamich," with peas, beans, and lentils, cultivated patchwise everywhere.

Agricultural implements, and the whole system of tillage, are as rude as in Southern Italy, or even Spain.

There are no small grass-land properties. North of latitude 35° circ., stock are generally raised and pastured on open lands, called "yeylas," the common property of the adjoining villages, from April to November. During the winter months they are kept in sheds on fodder. South of latitude 35° circ., winter pasture-grounds become available; but in all cases pasture-land is either of the class "metrookah," common, or even of "mubah," unreclaimed.

Taking all districts and all qualities into consideration, the proportion of grass-lands to tillage in Asiatic Turkey is about three to one.

8. Machinery, as aid or substitute, is, with a very few exceptions, introduced and kept up solely by Europeans, unknown in the East-Turkish agricultural field.

Hired labourers are rare, and when they are employed it is only as supplement to

the various kinds of tenants or produce-partners explained in the Report. Female labour is, if anything, more frequent than male.

For their total number, see the statistics before given. Taken apart, they may, perhaps, amount to 200,000 in all. Their wages, like those of average day labourers in other professions, are 5 piastres, or 10*d.* a-day, besides $2\frac{3}{4}$ lbs. of bread. Children, male or female, receive about one-third wages. None live with their employers.

Where such labourers are employed, their average number is from four to six per acre.

9. Not agricultural labourers only, but agriculturists in general, whether small proprietors, produce-partners, tenants, and labourers, are continually emigrating, mostly to the towns and the sea-coast; sometimes out of the Empire altogether. The exact number of emigrants is hard to ascertain; in some districts, those of "Van," "Keysareeyah," and "Kara-Hisar," for example, it seems to equal from a fifteenth to a twentieth of the efficient male population yearly. The depreciation of land, and in consequence of agricultural pursuits, excessive taxation, and other circumstances detailed in my Report of November 16, 1869, on the South-Western Provinces, are the leading causes among the Mahometan population. Political instigation from without is a frequent additional motive with the Greek and Armenian peasantry.

10. The small proprietors generally live in the villages immediately adjacent to their lands; sometimes also, especially in the mountainous districts, on them.

11. Houses, food and clothing vary much over so vast an extent of country, and in such a diversity of climate; but poverty, often approaching indigence, is the rule. Few of the small proprietors can afford to spend on the items above-mentioned above 1,000 piastres, or 8*l.* 7*s.* a-year. Hence their standard of living, and their general condition, mental and physical, are rather a vegetation than a life.

In all these respects matters are at their worst in Central and Eastern Anatolia, and Koordistan. They are somewhat better in Southern and Western Anatolia and Irak; best of all—a meagre best—in Syria.

12. The average population of small proprietors per acre, taking all cultivated land whatever into account, is one to 77 acres. Reckoning each family at 5 members, the ordinary computation, this gives somewhat under one individual of this class to 16 acres.

That this section of the agricultural population is, in common with the rest, diminishing on the whole, no one doubts; but in the total absence of all comparative statistics, the degree and rapidity of the diminution become mere matters of conjecture. The urban population on the contrary increases, chiefly by the immigration above noticed, and therefore in so far inverse proportion to the other's decrease.

13. For the answer to this query see the annexed introductory Report *passim*, and especially the concluding remarks.

(B.)—Tenants and Sub-Tenants under Landlords.

Tenure.

1. Each "Muraba," or Produce-Partner, the ordinary East Turkish modification of a tenant, as explained in the Report, usually holds from 2 to 20 acres of land; six acres may be considered the average. The tenants on "Tesarref," also explained in the Report, whether on life-rents or otherwise, usually hold rather more.

2. Recapitulating what has been explained at length in the annexed Report, East-Turkish tenancy is of three kinds:—

(1.) "Muraba'lik," or produce-partnership. Its base, equi-division of produce and current outlay, gain or loss; its term, invariably one year; its leading incident, compensation for extra outlay on either side.

(2.) "Tesarref;" first form, life tenancy; rent immutable; leading incident hereditary transmission.

(3.) "Tesarref;" second form, lease of variable term, generally from 5 to 10 years; rent variable at expiration of term; leading incident, partial compensation on quitting.

These two latter forms of tenancy, rarely found except on public lands; and not one-tenth in frequency to the first.

The tenant, of whatever description, may associate, at his own risk, whom and as he chooses; but he continues to bear the entire responsibility, and is alone recognized on reckoning day by the landlord, who accordingly rarely interferes in his tenant's sub-arrangements.

3. In produce-partnership and renewable lease, generally by parol, rarely by

writing. In the former case the law would invariably presume the duration at a year; in the latter according to the majority of the other tenants on the same estate.

In life-leases on public lands by written registry.

4. There is none such to my knowledge.

5. No law or custom can confer any right of this nature beyond the expiration of the current year in produce-partnership tenancy. Renewal is indeed ordinary; but no right is understood or implied.

The life-lease tenancies explain themselves in an opposite sense.

In the case of the renewable lease tenancies, which are, however, unfrequent, and mostly, as already said, on public lands, custom would generally favour the continued occupation of a rent paying peasant; but in a view of courteous dealing, not of right.

6. Any such proceeding, without the consent of the landlord, is distinctly forbidden by the Revised Land Property Code, Articles 41, 42, and 43, now in force. Nor can the tenant legally sell his interest, even with the consent of the landlord; such sale being prohibited by the principle of Mahometan law regarding hire, or "Ijàret," explained by "Aboo-Haneefah," as noted at the commencement of the annexed Report.

Rent.

1. In produce-partnership tenancies by a share of the produce; in the other tenancies before noticed, in money.

2. In the case of produce-partnership, rent is regulated by custom, based on the earliest legal principles of Mahometan jurisprudence, and recognized in all Turkish Courts of Law. In the other forms of tenancy, as above, the rent is regulated by official authority; a special Commissioner being at times appointed for this purpose by the Constantinople Home Office, in accordance with the Land Law of 1867. It will be borne in mind that these tenancies are comparatively unfrequent, and are almost confined to public lands.

In all kinds of Turkish Tenancy the rent is payable yearly only.

3. In produce-partnership for the year, no modification can be legally introduced into the terms of the rental bargain. Should the landlord, however, be discontented during the course of the year with his tenant-partner, he can turn him out at once; but then he must reimburse the tenant's labour for the part of the year expired, according to an estimation made proportionately on the half-crop of the preceding year, and must also compensate for any extra expenses proved to have been incurred by the tenant. Under such conditions evictions, as may readily be supposed, are rare

In life-rents and five or ten year rents, there is no power of direct eviction; but the tenant can be distrained on and otherwise harassed till he quits. The rents are fixed.

4. The legal means of procedure in either case are the same as those for the recovery of any other claim or debt; nor does the law confer upon a landlord any exceptional privilege. By the 115th Article of the Revised Land Property Code, April 21, 1858, land is indeed protected against seizure for debt, but a contrary precedent was established by the Administration in April 1860, when, on occasion of some public sales, land was expressly and formally rendered liable to seizure and sale in such cases.

Where the State is directly or indirectly landlord, as in the case of most public or endowment lands, cultivated by tenants for life or on renewable leases, it has of course the advantage of being at once plaintiff and Judge in any action against the tenantry.

Evictions.

1, 2. These two queries have their sufficient answer in what has been said already. As there is no tenancy strictly corresponding to that existing, *e.g.*, in Ireland, so also there are no evictions in the strict sense of the word.

Between a landlord and his "muraba," the contract which exists is a mere annual partnership, to be renewed, dissolved, or broken short like any other partnership, and, as we have seen, under precisely similar conditions; that is, with the ordinary legal formalities, delays of time, or of notice, appeals for redress, and the like.

Such evictions, or rather ruptures of contract, are, as we have said, rare events; because little likely to prove advantageous to either party.

In the other forms of tenancy there is, we have before noticed, no regular eviction; but distraining and selling out are not rare occurrences. The chief causes are, on the tenant's side, poverty and apathy; on that of Government, oppression, [redacted] fiscal, and the abuses natural to the confusion of executive and legislative power in o[redacted]

Improvements.

1. In cases of produce-partnership, they are, as a rule, executed by the landlord; the tenant-partner contributing thereto only superintendance or personal labour, and receiving in return the advantages of present use.

In the other descriptions of tenancy, above-mentioned, on public lands, they are generally executed by the tenant.

2. The landlord's consent, generally verbal, but before witnesses, is indispensable; beyond this, I am not aware of any further security being asked or given in this matter.

3. The landlord has a right by law to all buildings and plantations made with his previous consent on the ground by the tenant; but he is also bound by law to repay whatever expense the tenant may have been put to on their account; with a slight deduction, however, in compensation for the intermediate use made of them by the said tenant. Should, however, the tenant have built or planted, without the landlord's consent, the objects remain compensation-free in the possession of the latter; the tenant having and retaining no right whatever.

This rule, clearly defined in Articles 14, 22, 29, and 35 of the Revised Code before quoted, applies to all descriptions of tenancy or sub-partnership.

For other improvements, such as draining, ditching, and the like, the tenant has no right to any compensation soever, the immediate advantage thence resulting to the land, and consequently to his own share in the produce, being considered equivalent.

4. Such rights are usually defined by aribitration, under the direction, or at the tribunal of the resident magistrate; to whom belongs also the enforcing, after the customary manner. Sometimes an express Commissioner is appointed by the Constantinople Home Office, as mentioned in the Law of 1867.

5. Nothing of the kind exists to my knowledge in Eastern Turkey.

Miscellaneous.

1. The relations between the landlords and their produce-partner tenants show the ordinary amount of friendliness and bickerings usual between partners; the better feelings predominate through the course of the year, the other are more common about reckoning-day, but are seldom or never serious.

The life-lease tenants, and those on the "tesarref" system explained in the annexed Report, to which I beg leave to refer for what relates to this query, are so completely protected by law, as to be virtually almost independent of their landlords, Government excepted.

2. They cultivate by their own personal labour, that of their wives and children, and occasionally that of their neighbours, sometimes with, oftener without, distinct contract. In mode and standard of living, as in general circumstances and character, they are much on a level with the small proprietors, to whom they are inferior in little else than in the fact of non-proprietorship, and superior, in that their immediate profits are generally, as consideration of the tenantry systems already enumerated will show, a trifle better. The comparative facility of local change renders them somewhat more independent, and in a certain measure relieves them from the wearing necessity of a a hopeless struggle after solvency. In both these respects they have the advantage of the small proprietors, In moral character they stand decidedly below them.

3. Substituting the word decrease for increase, the dwindling tendency is less remarkable among the tenants than among the small proprietors, because the former are less fettered in their mode of life, and because occasional change helps to make them more shifty.

4. They emigrate on the whole more than do the small proprietors, not because more miserable, but because less home-tied. Their children are, as may readily be inferred from all thus far stated, no less free to seek their livelihood than those of other men. Numbers more would emigrate if they knew where or how.

The causes of such emigration are common to the entire agricultural population, not peculiar to the tenantry. They have been so fully explained in the latter part of the annexed Report that it would be superfluous to dwell on them here. Over-taxation, mal-administration, and the growing depreciation of land and of land labour, all these and more urge on the coastward and townward movement that now galvanizes the capital and the sea line into a semblance of life, while all inland is dying or dead.

5. The prevailing system of produce-partnership is popular, because it affords a makeshift [illegible]ak to the fall of multitudes who would else be sunk at once in insolvency

and ruin. But it is an injurious system, encouraging supine negligence in the proprietor, and short-sighted slovenliness in the tenant, whose whole interest in the land he tills terminates with the year, while the proprietor has but a half interest in it at any time. This system, while land and land labour yet were valuable, had its advantages, the chiefest of which was to create a real community of interest between landlord and tenant, the sole advantage it still retains; besides, it was balanced by the other systems explained in the body of the annexed Report. But in its actual next to universality, and in the prevailing agricultural depression, it is decidedly an evil, all the worse for the palliation it affords to the vices it fosters by the half-stay it lends on the very brink of destitution to hundreds of thousands who, if once thoroughly destitute, might take better counsel from a wise despair of the existing system.

These remarks apply also in their degree to the comparatively few instances of life leases and renewable leases before mentioned.

6, 7, 8, and 9. The affirmative answer to these four queries is to be found in the historical section of the annexed Report, where a detailed explanation of the fief and private property system, with the co-ordinate rights of landlords and tenants, as organized by the original Ottoman Administration, is given at length. Further on in the same Report, notice is made of the gradual changes by which the conditions of creation crystallized into those of continuance, and the general tendency was rather to render permanent the manors, freeholds, and tenancies then existing, than to promote their multiplication.

In the latter part of the same Report is to be found the negative answer for the present time, when, after the violent destruction of almost all proprietary rights and titles by the Sultans Mahmood II, and 'Abd-el-Mejeed, the ensuing tendency of legislation has been to unsettle all proprietorship, and to disencourage both landlordry and tenantry. Nothing of the kind alluded to in the four preceding queries has been for the last forty years created: the multiplication of small owners by parcel-sale and testamentary sub-division is a work of disintegration, not creation.

Public opinion is highly unfavourable to the present system; but the public opinion of the landed classes has, since the extinction of the "sipahees," no means of expression in Eastern Turkey.

10. It may well be imagined that, in the actual state of things, the partner-tenant is little tempted to desire the proprietorship of the land he tills, or of any other. If the tenant be a Mahometan, he invests his earnings, by preference, in houses, shops, and the like; if a Christian, in usury also. I do not mean to say that land is absolutely never purchased by produce-partners, or other tenants, but that it is not, and for the moment cannot be, a favourite investment. Should, however, such proprietorship be desired, the law and the public credit would, to the best of my knowledge, be absolutely passive in the transaction.

11. Testamentary law, by enforcing, as above stated, the sub-division of land, necessitates its dispersion. The abolition of permanent title-deeds, and of all entails, tends in the same direction. The same must be said of the entire Revised Land Property Code, in force since April 21, 1858, especially of Article 15, which orders the division of contested land by lot; of Article 67, which orders its sale, if left untilled for three years; and of Article 121, which prohibits the assignment of land in endowment, without a special Imperial rescript, not easily granted. And as no counterpoise exists, in ordinance or law, the present tendency may be said to be absolutely towards dispersion.

(Signed) W. GIFFORD PALGRAVE.

Trebizond, December 30, 1869.

Inclosure 3 in No. 15.

Notes by Consul Sir R. Dalyell as to the Rural Law of Roumania, 1864.

1. IN the Principalities, before the Rural Law of 1[illegible], the peasant was, in Wallachia, obliged to give a certain number of days' labour on the [illegible] of the estate cultivated by the proprietor in Moldavia, to cultivate for the proprietor a certain portion of that part; and in either principality the proprietor was obliged to give the peasant a house, garden, and certain quantity of ground to be cultivated for his own use.

The house and garden were the property of the peasant, the [illegible]prietor having merely a certain right of pre-emption.

The peasants were divided into three categories—(1), peasants [illegible]hout oxen; (2), peasants with one pair of oxen; (3), peasants with two pair of oxen; [illegible] the extent

of ground the proprietor was bound to furnish, and the corvée the peasant was bound to give, fixed for each class.

There appears to have been no legal obligation on the proprietor to give ground to peasants up to two-thirds of the acreage* of his estate; but when the peasants on any estate had, in consequence of their numbers, obtained allotments up to two-thirds of the acreage, the law intervened against the proprietor being obliged to give more.

The obligation of proportioning the land allotted to the number of oxen, and requiring the commensurate corvée, was not very strictly observed, and peasants were frequently reduced to inferior classes, often without objection on their part.

The peasant could not remove from the estate without permission of the proprietor; the proprietor could not eject the peasant, except for a few cases provided by law, as exciting disturbances in the village, &c., and in such case only by intervention of the authorities. A peasant thus removed was entitled to sell his house and garden, and also to compensation for ameliorations effected during his occupation. The peasant had no strict legal right to maintenance from the proprietor in old age, sickness, the case of a famine, &c.

In Wallachia, but not in Moldavia, the proprietors, as a rule, furnished the peasant with as much land in addition to his allotment as he might desire to cultivate. Such surplus was cultivated in métayage, the proprietor supplying the seed, the peasant labour, and receiving a portion of the crop, varying sligltly in different localities (but usually two-thirds), and giving the remainder (say one-third), to the proprietor.

Properties were classed, without a very strict regard as to exact locality, into "mountain" and "plain;" and, on properties of the former category, the peasant had a right to take from forest-land wood for buildings, fences, fuel, &c.

2. By the law of 1864 the proprietor has been obliged to give house and garden, and the quantity of ground falling to each peasant, according to the category in which he happened to be placed at the date of the passing of the law, under the following conditions:—

1st. All properties were valued,† without distinction of soil or locality, at 5 ducats per pogon, *i.e.*, about 1*l.* 17*s.* 4*d.* per English statute acre.

2nd. For the amount at which their properties were so valued the proprietors received Government bonds, bearing 10 per cent. interest for 16 years, but redeemable by annual drawings within that period.

3rd. During these 16 years the peasant is obliged to pay to the State annually a sum calculated, in respect to the quantity of land he has obtained on the capitalized value, minus 20 per cent., the total amount of Government bonds issued.

It was expected that the State would recover this 20 per cent. on the State lands, as the Government did not pay the value of these lands, but received the annual payment from the peasant. More accurate calculations have, however, since led to the conclusion that this 20 per cent. will not be so met, and that there will be a deficit on the transaction requiring to be re-imbursed out of general revenue.

4th. Until the expiration of the 16 years, the peasant may not alienate his lots without the permission of the Government, who require to be satisfied that the yearly payment shall be made, &c. After that period he will have power to dispose of his allotment.

5th. The division which has been made on each estate of peasant land, and land to be retained by the proprietor, is final; the law, however, contains a provision under which sons of peasants may claim allotments of Government land at a reduced rate.

No obligation is imposed by the law on the proprietor to maintain the peasant in case of illness, old age, &c.

3. For many years previous to the passing of the law of 1864 the proprietors in the Principalities had been generally of opinion:—

1st. That the corvée should be abolished.

2nd. That the peasant should become a proprietor.—Differences of opinion existed principally on the following points:—

(*a.*) Whether an identic[illegible]llotment on the lowest scale, viz., the amount of ground to which peasants of the lo[illegible]t category were entitled should be made to all peasants, or whether the ground to be allotted should be measured according to the class to which the peasant belonged.

* Whenever "acreage" is spoken of in the following remarks, land exclusive of forest is to be understood. Previous to 186[illegible]e peasant had no claim as to allotment of land in forest, and the Law of 1864 has made no alteration in [illegible]pect.

† The [illegible] land in the Principalities, without taking extremes, varies from, say 1*l.* 5*s.* to 8*l.* per statute acre. Nea[illegible]ge towns land fetches considerably more. In Moldavian Bessarabia land sells as low as 15*s.* per statute ac[illegible]

(*b.*) Some persons desired to break the transition by commuting the corvée for a fixed money rent;

(*c.*) The extreme party wished the two-thirds to remain as a limit up to which, as the population on an estate increased, land might always be demanded from the proprietor, and that forest land should be likewise included in the ultimate limit of two-thirds.

4. The principal complaints made by the proprietors as to the actual measures are:—

(1.) That the land has been valued at a uniform price, without regard to locality or soil, or proximity to towns, main-roads, &c.

(2.) That in exceptionally populous districts the limit of two-thirds, up to which the proprietor was bound by the law of 1864 to give land, was not curtailed, seeing that in those districts the proprietor has remained with strictly one-third of his estate in his own disposition, while in districts where the population is scattered, the proprietor has perhaps not been obliged to allot one-half of his estate to his peasants.

(3.) Of the confusion and loss to many of the proprietors on the division—as few maps of estates and no Government surveys of the country existed, the measurement of land to the peasant before the law had been very roughly made by the poll—the proprietors assert that, where land had been occupied by the peasant in excess of the extent relative to his corvée, he claimed and often succeeded in retaining the excess; also, that the Government of the day, through the Commissions instituted for carrying out the measure, as a rule unduly favoured the peasant, but in some cases displayed favouritism to proprietors connected with the Government on whose lands the peasants have not been given their fair portions.

(4.) That the right of the peasant to take wood for building, &c., has been extended to properties of the plain, and more particularly that, whereas such right renders the regular management of forests difficult, it was not placed for all properties under definite restrictions.

5. As to the general result of measure up to the present time.

Small proprietors have suffered severely, and many of them have been obliged to sell their properties.

The rentals of large proprietors have, at least up to now, not fallen, and have even, in some localities, augmented.

The reason of this difference in respect to the effect of the law on the interests of large and small proprietors, is explained as follows:—

(*a.*) A large proprietor having frequently estates in several districts, although he might lose on a property where the soil is valuable, might, on the other hand, gain on a property in another locality.

(*b.*) The very general introduction of agricultural machinery has served, to a considerable extent, to replace manual labour on the larger properties.

The transition is stated to have been felt more severely in Moldavia than in Wallachia, less land having, generally speaking, been cultivated relative to the whole acreage in Wallachia than in Moldavia; and the custom of metayage, existing, as has been mentioned, in Wallachia, but almost, if not entirely, unknown in Moldavia, giving greater facility to the Wallachian proprietor to procure labour without making immediate money advances.

Another circumstance, although very prejudicial to the general well-being of the country, has, to a certain degree, kept up the rentals of some properties in some districts. For about a year after the passing of the law, the peasants, excited by the Government against the proprietors from political reasons, very generally imagined that the whole land of the country was to be given to them, and abstained almost entirely from agricultural labour; a famine followed in Moldavia in 1866. The Wallachian proprietors gradually recurred to their system of metayage; the Moldavian proprietors entered into contracts with the peasants to cultivate for the proprietor at cheap money-rates, the proprietor finding seed, &c., for the peasant's land. These contracts were generally for a period of five years; and, in cases where the peasant is not from embarrassment in his circumstances, compelled to renew such contracts, the Moldavian proprietors begin to feel a difficulty in procuring labour.

It will be observed from the above remarks that the relation between the proprietor and the peasant in the Principalities was, from remote times, very different from that generally existing in Western Europe.

The Urbarium of the Hospodar Constantin Mavrogordato, enacting the abolition of serfdom in the Principalities, runs thus:*—

* Urbarium du Prince Constantine Nicolas Mavrocordato, "Chroniqueurs Nationaux de [illegible] Magazin Historique de la Dacie," t. ii, p. 293.

"Tout clacas (laboureur corvéable) doit travailler pour le compte du propriétaire sur les domaines duquel il se trouve établi, huit, dix, ou douze jours, suivant l'arrangement qu'il aura fait avec le propriétaire, lequel est obligé de lui donner des terres de labour, des pâturages, du bois de chauffage et de construction."

But, as the interpretation of this and other Urbaria rested with the Prince and the Divans, the legislation of the Principalities up to the "Règlement Organique" of 1831, and from that date to the Rural Law of 1864, resolves itself, on this question, into fixing and then modifying the terms of an "arrangement" between the cultivator and the proprietor, without, however, even contesting the obligation of the proprietor to provide the peasant on more or less onerous conditions, with "terres de labour, &c."

Prince Ion Ghika, in perhaps the best of the numerous pamphlets on this question, states the matter as follows:—

"Il serait difficile d'établir que la propriété en Valachie soit ce qu'elle est en Occident. Le paysan, sans être attaché à la glèbe, puisque la réforme de 1746 l'en affranchit, ne pouvait cependant quitter la terre qu'avec la permission du propriétaire et de l'autorité; de son côté, le propriétaire ne pouvait disposer que de la terre dont le paysan ne faisait aucun usage, et que la loi limitait au tiers de la propriété. Le reste passait aux paysans par droit de succession ou de vente, le propriétaire n'ayant que le droit de préférence sur tout autre acquéreur."*

I likewise remember that Mr. Paget, in his well-known work on Hungary and Transylvania, makes some observations of a similar character, in respect to the countries he is describing, as to the difference in the condition of the tenure of land in Eastern and Western Europe.

The above remarks, derived, in great measure, from conversations with a Roumanian proprietor, who has been several times a Minister, and was employed on the Commission under which the Rural Law of 1864 was put in execution, are, of course, by no means intended as replies to the Foreign Office Circular of 26th August, 1869, which could only be fully answered at Bucharest by servants of Her Majesty, in communication with the Roumanian Departments; but simply—and that with the reserve that, being noted by me from memory, they may not be always perfectly accurate—to give a very general idea of a measure which had been for a great many years a very principal topic of discussion in the Principalities, and to which my attention had been drawn when attached to Sir Henry Bulwer's Mission at Bucharest in 1864–65. Sir Henry Bulwer's Report, and the Report of the Commission, both contain observations on the relations of the proprietor and peasant before the law of 1864; but it is, I should think, from an annual official publication of the Roumanian Government, "Annale Statistice ed Economice," that definite answers to the queries put by Her Majesty's Government will have principally to be collected.

(Signed) R. A. O. DALYELL.

Rustchuk, October 31, 1869.

Inclosure 4 in No. 15.

Report by Consul Calvert respecting the Tenure of Land in the Sandjak of Monastir.

Name of Country.—Sandjak of Monastir, a Sub-Government of the Vilayet of Salonica.

Population.—882,000 (approximate).

Religion.—Mahometan and Greek Orthodox.

Industrial Pursuits.—Chiefly agricultural.

LAND OCCUPATION.

The land is occupied both by small proprietors who cultivate their own holdings, and by land proprietors who own farms and rarely cultivate them on their own account.

The tenant system is peculiar, and will be described hereafter. Sub-tenancies are unknown.

The proportion of small proprietors to the number of persons engaged in the cultivation of farms is, as nearly as can be estimated, one to five.

* "Des Principautés Occupation des Danubiennes par la Russie," par G. Chainoi (Ion Ghika). Paris, 1853.

(A.)—Small Proprietors.

1. The quantity of land held by each small proprietor varies as much as from 5 t 40 acres. With but few exceptions, the fields of one proprietor are intersected by those of one or more neighbouring proprietors.

2. The law at present in force regulating all matters connected with Land Tenure in Turkey, and which comprises the descent and division of landed property on the death of the owner, is dated the 7th Ramazan, 1274 (19th April, 1857). It contains 132 articles, classed in various chapters and sections. There is also a set of regulations, in 32 articles, framed on the 8th Djemazi-ul-Evvel, 1275 (11th January, 1859), which relates to the system of Land Title-deeds, called "Tapu," one of which is required for each separate field or inclosure, or unintersected piece of land, whether under cultivation or not. To these regulations were added at a subsequent period, the 7th Shevval, 1276 (20th May, 1860), 16 supplementary articles. The Land Officer and the Executive and Fiscal Authorities have also been supplied by the Government with special instructions contained in 14 articles, dated the 15th Shaban, 1276 (6th April, 1860), which clearly define their duties in regard to the issuing of the "Tapu" title-deeds.

A perusal of the law shows that all land in Turkey is held directly or indirectly from the Sovereign, to whom, in default of heirs, the possession reverts, with the exception of lands which belong to the "Vakouf" (an institution which manages the Mahometan pious endowments), either by original direct Sovereign grant, or by devise of the holders under special Sovereign sanction. The greater part of "Vakouf" land is, nevertheless, subject to the law and regulations above mentioned.

Until three years ago the landed property of a deceased owner went to his direct heirs alone, by descent if he left children, and by ascent, in failure of issue, to his parents, and, if he left no direct heirs, then his property became "Mahloul," and reverted to the State, or, more properly speaking, to the "Beit ul Mal," or Treasury House of the Mussulmen, which seems to be the repository of all vacant property. In 1867 a new law was promulgated, by which landed property was made inheritable by the collateral relations, however distant, of the deceased owner. In return for such an undoubtedly great concession the dime tax on agricultural produce has been temporarily increased during a period of five years. The dime of the first year was raised from 10 to 15 per cent., and that of the four succeeding years to 12½ per cent. By such an arrangement the State gains an addition of 15 per cent. to the dime during the five years of its existence.

3 The legal method for the sale, transfer, exchange, or division, as well as the loan of such properties, is by "Tapu." In every district there is a Land Officer specially charged with the issuing of these title-deeds. On every change of ownership a new "Tapu" is required to be taken out by the incoming proprietor, who must pay a fee of 5 per cent. on the estimated value of the land, and, in addition, 3 piastres (6*d.*) for the printed form of the title-deed. In the case of an exchange, each pays half the fee on the aggregate values of both the lands exchanged. The land is valuated by arbiters, who deliver a certificate which the incoming proprietor is bound to exhibit to the Land Officer. Provision is made against fraudulent valuation.

4. No facilities are afforded, either by Government or by public companies or banks, for raising loans upon such properties. Whenever the proprietor borrows money he does so on his personal security or on pledge of valuables. He can be sued on his bond by the creditor in the ordinary mode, namely, by petition to the chief magistrate or governor of the district, who decrees the suit to be heard in the proper Court of Law; and, should judgment go against the debtor, he may lie in prison until he satisfies his creditor. In such a strait the indebted land-owner may consent to have his property sold, but to do so requires the intervention of the Land Officer. Land cannot legally be seized in execution of judgment against a debtor owner, but the creditor may cause the produce to be sequestered for his benefit. The rate of interest may vary between 10 and 30 per cent. or more per annum, according to the borrowing land-owner's reputed solvency or character for honesty and industry. The legal rate of interest is fixed at 12 per cent., and, if the creditor sues him for the debt, the Court allows him only that rate, even in cases where capital and interest have been lumped together in the bond, provided the debtor can prove the fact.

5, 6. The pledging of lands held by "Tapu" is expressly prohibited by the law. The law, however, has provided another method of securing the creditor of a "Tapu" land-holder. The proprietor who has borrowed money may cede or make over his land during a definite or indefinite period, either to the creditor himself or to a third party who becomes a sort of trustee. In either case the party in whose favour the land may have been ceded must take out a new "Tapu." If the landholder's debt has

been made payable at a fixed date and he fails to discharge it, the holder of the "Tapu" may, on application to the Land Officer, cause the holding to be sold and the debt discharged out of the proceeds; but, should the debt be punctually paid, the land must be re-transferred by "Tapu" to the original holder. When no limit has been assigned for the payment of the debt the creditor continues to hold the land until it is paid. Should the death of the debtor supervene, then, unless the heirs discharge the debt, the land is sold for the benefit of the creditor. The conditions attached to the sale of land under such circumstances, and the reservations connected with the rights to the heirs and next of kin, and, failing these, of the persons who have *seriatim* the preference of purchase, are given in minute detail in the fourth chapter of the law.

7. The grain crops raised are wheat (hard and soft, red and white), barley, Indian corn, rye, oats, and millet. In the eastern and southern districts some cotton is cultivated; in others, rice or madder-root. Hay of natural growth is produced in great abundance. Clover, lucerne, turnips, mangold-würzel, and potatoes, are not cultivated. Sesamum, hemp, flax, and tobacco, are not extensively grown; in some districts, as is also the case with cotton, the climate is adverse to these products. The vine is largely cultivated throughout the country; in some parts the grape forms the staple product, and in general it is considered remunerative, although requiring a greater outlay for its culture, all the labour done in vineyards being manual, by the two-pronged hoe. No vines are trailed on trellises in this country. There is no systematic rotation of crops. The practice is to allow half the lands to lie fallow for six or twelve months after they have been ploughed. The same crop is repeatedly raised on the soil which is ascertained by experience to best suit any particular product. Only an occasional change is made from winter to summer crops. Before sowing, the land is again ploughed once or twice, and harrowed. The plough in use is a most primitive implement, being simply a slight timber knee, shod with a spade-shaped piece of wrought iron, tipped with steel at the point. It is drawn by from one to three pair of oxen, or buffaloes, according to the lightness or stiffness of the soil. The harrow is of even ruder construction; it consists of interwoven boughs of trees, like a hurdle, on which the driver stands, with a heavy stone, to give additional weight when there are stiff clods to crush. The seed is always broad cast, and a great deal of it is wasted on account of its being imperfectly covered. Indian corn alone is dibbled; the soil is dug once or twice during its growth, and, since it requires more watering than rain can be safely depended upon for supplying, care is generally taken to sow this grain only on ground which admits of irrigation. Most of the proprietors have one or more cows from which they raise their stock. Bulls are kept in every village. Horses, mules, asses, sheep, goats, and pigs, are also bred by individual proprietors. There is no one who makes it his special business to raise stock. The half-nomadic Wallachians and Yourouks breed horses and mules, which they sell at the occasional cattle fairs held in various parts of this country. Small proprietors live in villages, and each village is provided, by free grant of the State, on payment of an annual ground rent, with a common, where the oxen, horses, sheep, &c., graze during the day. At night the animals are housed, or else put into folds and pens. Oxen when at work, and during the winter, when pasture is scarce, are fed upon chopped straw, and for three months upon millet. Sheep, when pasturage fails, are fed upon hay. Goats are kept only on the uplands and mountains, where they browse upon the shrubs; they do not thrive on the plains. Some of the proprietors often own large meadows, from which they raise one crop of hay a-year; they reserve a few cartloads for their own use, and sell, if they can, the remainder, which is bought up by persons who keep saddle or pack horses. Green meadows are also let out for grazing horses in the spring, at the rate of about 3*l.* an acre. Meadow land bears a higher price than arable land; it costs nothing for culture, and the only expense attending it is the mowing and drying of the crop.

Arable land is classed into four qualities; the price of each quality varies in every district, as shown in the following note, where the value is reduced to British currency and measure:—

District.	Class of Land according to Quality.																			
	I.					II.				III.					IV.					
	Per Acre.					Per Acre.				Per Acre.					Per Acre.					
	£	s.		£	s.	£	s.		£	s.	£	s.		£	s.		£	s.	d.	
1	85		to	68	0	51	0	to	34	0	23	16	to	13	12	13	12	to	3	8	0
2	68	0				51	0	to	34	0	34	0	to	13	12	13	12	to	3	8	0
3	[illegible]	16				30	12	to	20	8	30	12	to	11	10	11	10	to	2	8	0
4	[illegible]	10	to	13	12	10	4	to	8	0	6	16	to	3	8	3	8	to	0	13	6
5	[illegible]	12	to	10	4	5	2					8				1	7	to	0	18	0
6	[illegible]	6	to	13	12	8	0	to	6	16	5	2	to	3	8	2	7	to	1	14	0

The particulars of the remaining 15 districts of this sandjak have not been obtained at this date.

8. No machinery of any description whatsoever is employed for agricultural purposes. Small proprietors and their families cultivate each their own property, and only employ hired labour to help in reaping when the crops are unusually heavy. A few of them who have more land than they can manage alone, make arrangements with neighbours who have too little, to give their labour for a share of the crops. The only field labour done by females is reaping and digging the Indian corn fields. Each male agriculturist is calculated to be able to cultivate 6 to 7 acres of land annually. It is only exceptionally that small proprietors hire agricultural labourers by the year. The day labourers whom they occasionally employ to assist in reaping, are hired at the rate of 8*d.* to 1*s.* a-day besides their food, which is chiefly bread, of which they consume 4 lbs. to 6 lbs. weight a-day. The rate of wages of harvest labourers greatly depends upon the scarcity or abundance of labour in regard to the state of the crops; it sometimes rises as high as 2*s.* a-day. They are lodged by their employers, although in summer time, like all the rural population, they prefer sleeping under the open sky. As agricultural labourers are chiefly employed by the large proprietors holding farms, the average daily wages throughout the year of such few of them as are hired by the small proprietors cannot be determined. The same class of men find labour at other seasons in digging the vineyards, and also get occasional work unconnected with agriculture as mere day labourers. The greater part of the hay crop is mowed by Bulgarians, who come for the purpose from the Danubians districts; their terms are so much an acre.

9. None of the agricultural labourers emigrate to foreign countries. As labourers in search of work large numbers of them annually leave this part of the country and the Albanian districts, for periods of six to twelve months. The natives of a particular village go, as it were, by routine, to some district in another part of the Ottoman dominions, for which they have a predilection; but after a while they return to their homes with their earnings, which rarely exceed 4*l.* or 5*l.* a-year. In some few instances these day labourers find it to their advantage to settle in the place which they have been in the habit of visiting periodically. The number of agricultural labourers alone who emigrate in this way cannot be ascertained; reckoning with them the skilled labourers who also leave their homes periodically in the same manner, the total for this sandjak must be over 10,000 men a-year. Female labourers never leave their native country, except for the purpose of joining their husbands who may have settled elsewhere.

10. Small proprietors always live in the villages adjacent to their lands.

11. The cottages of the agricultural labourers are for the most part rudely but solidly constructed of sun-dried bricks, or of stones, the walls being bound by cross layers or strips of wood fastened together with nails, and plastered on the inner side with clay. The roofs are tiled. The lowest class of cottage consists of only one room, in which all the family live together. The average cost of such a cottage is about 25*l.* a room, measuring 20 by 15 feet superficial, and 10 feet high. All the cottages have fire-places, but are totally destitute of furniture. The wants of the inmates are exceedingly limited. They sit and sleep on the clay floor on mats or goat's-hair sacking, and cover themselves with their great-coats or stout woollen blankets. Their fare is coarse, and, theoretically speaking, might not be considered sufficiently nutritive to keep a labouring man in health and strength. Their bread is home-made; it is composed of a mixture, the selection and proportions of which vary with the habits of the locality—of wheaten, barley, maize, rye, and millet meal. It is formed into thick flat cakes, which are badly baked. The peasantry prefer heavy doughy bread, because, they say, it better satisfies the appetite. Capsicums, pounded with the seeds into a coarse powder, is the universal and favourite condiment of all the labouring classes. Leeks and onions, pumpkins, cabbages, and green peppers pickled in salt and water, salted cheese made from sheeps' milk, beans, chickpeas, lentils and vinegar, form the other ordinary articles of diet of the agricultural classes, when they can get them. Sugar and coffee are never used, on account of the expense of such luxuries. Grape syrup supplies the place of sugar. In the districts where it is produced in abund[illegible], a light red and slightly acid wine, costing 5*d.* to 6*d.* a gallon, is extensively drank; [illegible] other places, a spirit called raki, costing 1*s.* 10*d.* to 2*s.* a gallon, which is distilled from grape refuse, and flavoured with aniseed, is preferred. Notwithstanding the facilities afforded by the cheapness of intoxicating drinks, habitual drunkenness is an exceedingly rare vice in the rural districts. It cannot be denied that, although the Roumelian agricultural [illegible]abourer sticks to his work with praiseworthy perseverance, the average amount of it is [illegible]erably less than that of a field labourer of Europe, sustained by a more nutritious [illegible]abundant diet, and malt drink. In this country, meat, fat, butter, and milk form an [illegible]gnificant

item of the food annually consumed by the poorer Christian agricultural classes, chiefly on account of their numerous and rigorous fasts. The Mussulmans of the same class are larger consumers of those articles, especially milk. Their clothing is, on the whole, substantial, although of coarse material. It is nearly all home-made. The general circumstances of the small proprietors are such as enable them to keep their families above actual want. There are some of them who are believed to be in easier circumstances than they care to acknowledge, and to have even managed to save up money, which they hoard, for fear of exciting the cupidity of others. Savings are ordinarily invested in the purchase of live stock, either as an addition to what they already possess, or by way of replacing the loss occasioned by casualties. They may also invest their money in the purchase of land, should there happen to be any for sale in their immediate neighbourhood. Among the small proprietors must be classed the artizans and skilled workmen dwelling in the towns, who possess lands which they are unable to cultivate themselves, but employ a class of persons who in this country represent the tenants under proprietors in European States. In this respect the particular class of small proprietors in question resemble, to a certain extent, the larger proprietors; the mode of cultivating their lands will consequently, for the sake of clearness, be reserved for mention under the heading (B). The artizans who are landholders frequently possess vineyards in addition to their fields, and sometimes vineyards alone. For the culture of their vineyards they employ hired day labourers.

12. The attempt to set down in figures, at even the very roughest estimate, the average population per acre, and the annual rate of increase in the population among the small proprietors, or the increase in the urban population in their own country, would merely tend to mislead. As there exists no regular system of registration of births and deaths in this country, the increase or decrease of any section of the population cannot be computed. The census of the population has not yet been commenced in the rural districts.

13. As a class, the small proprietors have no cause to be dissatisfied with the laws under which they hold their land. In return for the temporary increase to the dime on their agricultural produce, they have, through the effect of the ordinance mentioned above, secured the advantage of having their property made almost freehold—that is to say, it would require the total extinction of the deceased proprietor's own family and that of all the collateral branches before his land could revert to the State. In Turkey, however, no one can make a bequest of his landed property; the "Sheri-Sherif," or Sacred Law, provides for the mode of its transmission and division after the death of the owner. If a land-owner desires to insure the disposal of his property in a particular manner after his death, he can only do so by making the transfer during his lifetime; but in such a case he ceases to be the lawful proprietor, and must trust entirely to the good faith of the person to whom he has ceded his rights to be allowed to remain in undisturbed possession until his death. A death-bed transfer of property is hedged about with stringent conditions next to impossible to comply with. In the eye of the law, the small proprietor is on a footing of equality with the owner of a farm. The proportion of Mussulman to Christian small proprietors is about equal, and the proportion of both united to proprietors of farms is as four to six. All the farms, with few exceptions, are held by Mussulman proprietors. It is only within the last fifteen years that non-Mussulmans have been enabled to become proprietors of farms. Their number is gradually increasing.

(B.)—Tenants and Sub-Tenants under Landlords.

Tenure.

1. The so-called tenants of landlords in this country hold no land whatever.* Each tenant cultivates on joint account with the landlord as much as he is individually able to undertake the care of, usually reckoned at six to seven acres.

2. The nature of the tenancy is peculiar and of ancient date. It is of two kinds, which are known by the local appellation of the "ortakdji" and the "kesemdji" system.

The "ortakdji" (or partner) is an agricultural labourer, owning one or more pair of oxen and the necessary implements, who enters into an agreement with the proprietor of a farm. The landlord provides the "ortakdji" with a cottage for himself and his family, housing for his live stock, store-room for fodder, &c., for which he requires no rent; he also furnishes, gratuitously, the corn for sowing. The "ortakdji," on his part,

undertakes all the labour and cost of cultivating the land apportioned to him; he also reaps, threshes, and winnows the grain crops, and, after the dime-tax has been levied upon it, the whole remaining produce is divided into two equal shares, of which the landlord takes one, and the "ortakdji" the other. The "ortakdji, moreover, carries the landlord's share of the crop from the threshing-floor, where the partition has been made, to his grain store. Considerate landlords will allow the "ortakdji" to retain the whole of the straw chopped up during the process of threshing, with which he feeds his oxen; but there are covetous landlords who claim their own half of the straw. The landlord, moreover, grants the use of about half an acre of land, called "parashpoor," which the "ortakdji" cultivates for his own exclusive benefit. In return, however, for the free use of that half acre, the "ortakdji" performs sundry services for the landlord, such as carting firewood from the mountains to the landlord's town residence, and helping with his family to reap the crops which the landlord may cultivate on his own account, receiving no wages, but merely the usual allowance of bread given to all reapers. As the "ortakdji," whilst furnishing their quota to the additional dime, receive no corresponding advantage, most of the proprietors of farms have given their "ortakdjis" the use of an extra half acre of land, without sharing the crop raised on it. The great pinch for the "ortakdjis" was during the first year, when 5 per cent was added to the dime. The "ortakdjis" are described as being satisfied with the exceptional arrangement made with their landlords.

The "kesemdji" (fixed portion-taker) is an agricultural labourer who enters with the landlord into an agreement similar in principle to that made by the "ortakdji." The difference in the case of the "kesemdji" is, that, instead of sharing by halves, he stipulates for a certain fixed quantity of the crop, irrespective of its yield. Whenever he leaves he is bound to restore to the proprietor an equal quantity of the grain used for sowing; this obligation is called "demir-bash," and the "ortakdjis" are free from it. Landlords who have had long experience of it are gradually giving up the "kesemdji" for the "ortakdji" system, which is preferred by the majority of owners of the larger farms. The proportion of "ortakdjis" to "kesemdjis" is as three to one. Both these classes of agricultural labourers remain on the farms so long as they continue to renew, year by year, their agreement with the landlords. If any one of them wishes to quit, he gives no longer notice of his intention than two or three days, unless the weather promise favourably for the removal of his family and live stock, when he may give twelve or fourteen days' notice. He vacates his cottage late in February or early in March, returns at harvest-time, and punctually performs his engagement, halving the produce and carrying away his own share, The new "ortakdji," or "kesemdji," makes his arrangement with the landlord about the same time as the outgoing one's intentions are known, and begins in March to plough the fallow land and prepare it for sowing in the autumn. In cases where the "ortakdji" comes without the means of supporting himself, the landlord makes him an advance of corn against the first crop he reaps.

Agricultural labourers hired by the year, called "ter-oglans" (literally "sweat-boys"), form a separate class. The wages of the "ter-oglan" vary with the locality. In one district their remuneration for the whole year is 68½ to 77½ bushels of Indian corn and rye in equal proportions, and about 16*s.* in money; in another, the "ter-oglan" receives 73 bushels of wheat and nothing else; whilst in a third district he gets 45½ bushels of rye, barley, and millet mixed, 33½ lbs. of salt, 140 lbs. of leeks or cabbages, half a raw ox-hide wherewith to make himself sandals, and from 9*s.* to 13*s.* 6*d.* in money. The "ter-oglan" feeds and clothes himself, and his employer gives him house room.

The only farms in this country which are let for a fixed period and for a rent to be paid in money, are those which are the property of the State or belong to the Imperial family, and are commonly known as "inlâks." The lease of these State farms is put up to auction by the local authorities, and given to the highest bidder. The lessee employs the peasants who are settled on these estates as "ortakdjis," and takes no further interest in them or in the farm beyond securing his due share of the produce, and selling it to the best advantage.

3. The agreement between the landlord and the "ort[illegible]," "kesemdji," or "ter-oglan," is verbal, and renewed every year.

4. A written agreement, where it be desirable to have o[illegible]ld be registered if required; it is not, however, the custom to have any written agreement.

5. No right to remain in occupation so long as he continue[illegible]ually fulfil his engagement with the landlord can be legally claimed by either the "ortakdji" or the "kesemdji."

6. Neither "ortakdji" or "kesemdji" are considered to [illegible]e the righ[illegible]ell their interest, nor do they ever claim any such right.

Rent.

1. Payment to the proprietors of farms is made, as above described, by share of the produce.

2. The system of sharing the produce in lieu of rent is founded on custom of ancient date.

3. The verbal engagement entered into between the proprietor and the persons who cultivate his lands being renewable by tacit consent, the landlord certainly has it in his power to renew the contract on terms less advantageous to the lessees; but, unless all the proprietors unite in raising their terms, and so compel the classes who cultivate their farms to accept them or starve—an extreme case, in which it is probable Government would intervene—the individual proprietors exercising that power would be the losers, inasmuch as the "ortakdjis," &c., would offer their labour to some other proprietor. Self-interest, therefore, is the sole check—and an effective one it proves—upon landlords who might otherwise be tempted to make use of such power.

4. Proprietors in this country are only too glad to get "ortakdjis" to cultivate their farms, to incur the risk of earning a bad name by claiming a larger share of the produce than they are entitled to. As regards any exceptional privilege of the landlord over other creditors of his tenant, it is exceedingly unlikely that any one but the landlord would entrust his money to an "ortakdji," &c. The landlord, thus being the sole creditor, is so fully secured by the produce at harvest time that he has no need to seek the protection of the law. In case the "ortakdji," &c., owes money to a landlord from whose farm he may desire to remove, it is a common practice for the new landlord to pay the ortakdji's debt to the former one, and thus bind the incoming ortakdji the more firmly to his own farm. There are instances, very numerous in some districts, where the "ortakdjis," "kesemdjis," and especially the "ter-oglans" have, through the practice of making a debt hereditary and annual accumulation of interest, in the hands of unmerciful landlords, become so irrevocably involved as to have fallen into a state of quasi-serfdom.

Evictions.

1, 2. Evictions, under the system of cultivating farms and for the reasons above described, are unknown.

Improvements.

1 to 5. All improvements and repairs to buildings are executed by the landlord.

Miscellaneous.

1. Mutual interest is the best guarantee for the friendliness of the relations which generally exist between landlord and tenant (that is, the "ortakdjis," &c.).

2. The mode of cultivation by the "ortakdjis" is precisely the same as that followed by the small proprietors already described. They are inferior to the small proprietors, in that they have no lands or homes they can call their own, and that at best they lead a hand-to-mouth sort of life. They, nevertheless, appear content to remain in their present state of dependence, the advantages of which in their eyes are, that it involves fewer responsibilities, and that it acts as a kind of shield against the oppressive abuses of the collectors of the dime.

Their mode and standard of living is also very little inferior to that of the small proprietors. By way of illustration, a short description of the internal economy of an "ortakdji's" family is here given. The supposed case of an "ortakdji" who is a Christian, and a Bulgarian, is selected in preference, because Bulgarians form the bulk of the rural population, and the number of Mussulman "ortakdjis" is comparatively very limited.

The "ortakdji's" family is supposed to be composed of the father, aged 60 or 70, two married sons, aged 40 and 35, their wives and four children, two boys, aged respectively 14 and 10, and two young girls, in all nine souls. Agricultural labourers seldom have large families; a family of less than six persons is considered less likely to prosper, the larger the more work together and share alike, the better; married brothers live together under the same roof with their father. The live stock consists of two pairs of oxen (a pair to a plough), a horse, an ass, a couple of cows, twenty sheep, and some poultry. The sons do all the field work. At daylight they go to their work, returning from their work for their dinners, when the 10-year old boy takes their place. The 14-year old boy tends the sheep. On two days of the week the old father goes to the mountain to cut firewood, with which he loads

the horse and the ass; on another day he takes corn to the mill, bringing back with him he meal; and on a fourth day he goes to market, carrying poultry and eggs for sale. If he sells the poultry, he buys salt, pepper, and soap. If only eggs, then salt alone. After harvest the father brings to market a horseload (six or seven bushels) of wheat, and with the proceeds of its sale he buys cotton-twist, which the women weave into cloth for shirts, &c. Firewood, and the resinous pine-wood, strips of which are burnt for light, are obtained at little or no cost.

After sheepshearing, the women are supplied with 70 to 90 lbs. weight of fleece wool. The washing, drying, and picking of the wool reduces its weight to one-half. It is then carded, spun, dyed black or brown, and finally woven into stout cloth, called "shayaki," which lasts ten years in constant wear. Of this cloth both women's and men's outer clothing is made. The sheep's milk is converted part into butter and part into salted cheese. The cows are rarely milked so long as they have their calves with them; the custom is to leave the calves with their dams until they leave off sucking. The family reserve a portion of the butter and cheese for their own use, and sell the remainder. Wine and spirits, which are drunk by both sexes, are exceedingly cheap, and procurable in most of the villages. The "ortakdji's" bread is made of Indian corn and rye-meal in equal proportions; it is baked either in the public oven, of which there is one in every village, or else, on an emergency, upon an earthenware griddle, heated in flaming straw and covered with a concave iron plate. Four or five bushels of wheat-meal is kept apart for pastry, or for extraordinary occasions. The family requires about 125 bushels of corn a year, which, when made into bread—15 lbs. of meal to 20 lbs. of bread—yields a daily average of nearly 17 lbs., at a cost of little more than a half-penny a pound. A worn-out ox, or an old cow, is occasionally slaughtered in the village: part of the meat is sold for immediate consumption at about a penny a pound, and part is chopped up, salted, dried, and potted for winter use. The hide is kept by the owner for making sandals of. A lamb is killed at Easter in every household, and in November and December a sheep, worth 6*s.* to 8*s.*, or a pig, worth 1*l.* to 2*l.*—the meat being preserved in the same manner as the beef. The other articles of consumption, such as haricot-beans, lentils, chick-peas, leeks, onions, garlic, green and red peppers, pumpkins, as also melons and cucumbers in summer, are mostly grown by the "ortakdji" on the half acre of land given free of charge by the landlord, or else some of them are purchased at the market town and neighbouring villages. The oxen are fed upon chopped straw, which costs nothing. During the months of March, April, and September, when the oxen have harder work to do, they get a feed of millet—5½lbs. a day each. The total cost of the millet consumed by the four oxen during the year does not exceed 20*s.*

The clear income of the "ortakdji" and his two sons, derived from the half share of the produce, after deduction of the dime, may range between 350 and 450 bushels of corn of all kinds, or, taking the average value of the corn, 30*l.* to 40*l.* a-year. The "ortakdji," however, has to pay the following taxes and charges:—

	£	*s.*	*d.*
The "Verghi" (Property Tax) on two ploughs, at 15*s.*, half of which being paid by the Landlord, there remain	0	15	0
The "Jane" (Military Tax) on three adult males, at 6*s.*	0	18	0
The "Djeleb" (Sheep Tax) on twenty sheep, at 6*d.*	0	10	0
The "Djanavar" (Swine Tax) on one sow and thirteen young pigs, at 6*d.* ..	0	7	0
Total of Taxes	£2	10	0

	s.	*d.*
The Bishop, one bushel of wheat, valued at	2	0
The Village Priest and Church Offerings	5	0
The "Bekji," or Rural Guard, four bushels of corn, valued at	8	0
Total of Charges	15	0

The landlord's farm consists of, say, 150 acres of arable land, 25 acres of which are poor soil, and 50 acres of meadow land. Of the 125 acres of land under cultivation one-half ordinarily lie in fallow. As there are ten "ortakdji" families on the farm, there fall to each of them about six acres to cultivate.

3. The annual rate of increase in the population of [illegible] the reasons already given in the case of small proprietors, cannot be stated.

4. As to emigration, the answer relative to agricultural [illegible] A) equally applies to the "ortakdjis," &c.

5. Public opinion on the advantages and disadvantages of the "ortakdji" system is scarcely ever expressed. In the case of those "ortakdjis," "kurdjis," and "[illegible]glans," who are so unfortunate as to have fallen into a state of permanent servitude to their landlords

through being saddled with debts, often bequeathed to them by their progenitors, the universal feeling is one of compassion. They can be numbered by hundreds, if not by thousands. The Government does not occupy itself with them. Legislative interference in their behalf is greatly needed.

6, 7, 8. The Legislature has never enforced the creation of freeholds or tenancies by proprietors, or the granting of leases.

9. The tendency of the law of inheritance, alluded to above, is to split up land into small properties. In this way alone is the number of owners increased. Although there are waste lands in many parts of the country at the disposal of Government which could be had at a low price, there seems to be but little inclination on the part of the "ortakdjis" and their class of agricultural farm labourers to buy them. In the case of the majority want of sufficient means, attachment for the neighbourhood of their birth where they have got into the habit of labouring on terms which suit them, the insecurity of the places where there are waste lands—mostly distant as they are from inhabited spots, all combine to render them somewhat indifferent about their independence. The fact that they prefer working on the farm of some one whom they look up to as to a protector against the rapacity of the dime-farmer and other collecters of the taxes, likewise operates against the creation of new holdings.

10. "Ortakdjis" in partnership sometimes manage, partly by loans and partly from their own resources, to purchase the estate of their Mussulman landlord during his life-time. The law permits them to do so. At the same time, if they be Christians, their tenure is liable to become insecure on the death of the original proprietor; since one of the heirs, taking advantage of the corruption of the Law Courts, has only to bring a suit against the new owners, even after being twelve or fifteen years in possession, and not only get them ejected, but further successfully prosecute them for the restitution of the accumulated share of the produce. Instances of this nature are by no means of rare occurrence; they prove that, however wise and just the Land Tenure Laws may be in Turkey, the injury to individuals and the hindrance to a wholesome development of agricultural enterprize alike proceed from the administration of the law. The Mahometan judges within the last two years appear to be under less control than they ever were, and by their acts they show a contemptuous disregard for public opinion.

11. As before stated (No. 9) the laws tend to the dispersion of land.

Copyholds.

There are no tenures resembling the copyholds of England.

(Signed) CHARLES J. CALVERT.

Monastir, December 23, 1869.

Inclosure 5 in No. 15.

Report by Consul Wilkinson respecting Tenure of Land in the Consular District of Salonica.

Name of Country.—Consular District of Salonica.
Population.—700,000 souls.
Religions.—

Mahometans	320,000
Christians	330,000
Jews	50,000
	700,000

Industrial Pursuits.—Chief[illegible] agricultural.

[illegible]CCUPATION.

Land is he[illegible]oprietors in the proportion of three to two.
The [illegible]
La[illegible] provide the seed, and a dwelling; the holder being b[illegible]ns [illegible]d agricultural implements necessary for the cultivation of [illegible] Th[illegible]fter deduction of the tithe of 10 per cent., and the seed nee[illegible]for the [illegible] is divided equally between the parties.

(A.)—Small Proprietors.

1. On an average about ten acres, which is generally intersected by properties.

2. By a recent law the descent and division of landed property is divided equally on the death of the owner among his children (provided he has any) without distinction of sex; otherwise, to the next of kin to the eighth degree. Failing this the property lapses to the Crown.

3. By registry only. The cost of registration is 5 per cent.

4. No facilities whatever are afforded, either by Government, or by special or public companies. Loans are raised from private parties, commonly at usurious rates of interest, varying from 15 to 24 per cent. These loans are generally contracted for the purpose of replacing stock, or, in seasons of bad harvest, for purchasing seed.

5. Mortgages are seldom effected, but, when this occurs, the rate of interest is the same as stated above.

6. The following method is resorted to by large proprietors to obtain advances on their estates. A deed is drawn up before the Mehkemé, or Ecclesiastical Court, in which the proprietor acknowledges the amount borrowed, and appoints the lender his attorney, empowering him at the same time, on the expiration of the term mentioned in the said deed, to sell his estate in case of non-payment. The rate of interest is from 15 to 24 per cent. Small proprietors borrow at the same rate of interest, but give either personal security, or pledge their crops.

7. Indian corn, cotton, wheat, tobacco, barley, sesame, rye, oats, millet, buckwheat, French beans, &c. The rotation of crops is as follows:—sesame, cotton, or Indian corn, is sown in the spring; it is followed by wheat, barley, or rye in the autumn; and so in consecutive order, as a rule, for two or sometimes three years. The land is then allowed to lie fallow for three years. No manure is employed. Cultivation is in a very primitive state; little or no improvement is in progress. No attention is paid to the breed of stock. About two-thirds of the arable land being allowed to lie fallow, it is used as grass land.

8. Until recently no machinery has been employed as a substitute for manual labour. Two steam threshing-machines have been introduced lately, however, into my district, and have given entire satisfaction to their proprietors, which will doubtless induce others to follow their example. No hired labourers are employed. The proprietors, together with their family, cultivate the soil. The male members plough, and do the heavy work; the females weed and gather the crops, A family generally consists of five persons, who all live together.

9. Emigration does not exist among the agricultural class.

10. The proprietors with their families live in villages adjacent to their property.

11. In small houses consisting of one or two rooms, in which they live in common. Their food is either Indian corn, or rye bread, French beans, garlic, and lentils; seldom meat. Their clothing is of coarse home-spun cotton, together with a woollen tunic and gaiters of the same material, also home-made, and worn both winter and summer. Notwithstanding that their standard of living is so low, their circumstances are good. They hoard money, having as much for object to amass wealth as to be prepared to meet any extraordinary demand on their purses by the imposition of some fresh tax—a call by no means unfrequent, and which also serves in a great measure to keep them in the present low condition.

12. One to twenty. The annual rate of increase in the population among the small proprietors as compared with the urban population cannot be ascertained; no statistics exist, nor census taken. As previously stated, the proprietors with their families live in villages adjacent to the properties they cultivate; in addition to this, however, there are large tracts of uncultivated land producing timber, which are held, either in part by the small proprietors, or by the commune.

13. As no attempt has ever been made to introduce any other system than the present, no opinion is formed on the subject, not so much to be wondered at, considering the state of ignorance of the peasant, solely anxious to provide from day to day for the requirements of his family, at no matter what privation, the exigencies of the State.

(B.)—Tenants and Sub-Tenants [illegible]

With regard to tenants and sub-tenants under the [illegible] properly speaking, does not exist, as has already been advert[illegible] metayer [illegible]em alone

being in force. When the farmer is desirous of ceasing his connection with the proprietor he can do so at will, there being no law to prevent his so doing, but, as it is obviously the interest of the proprietor to retain his labour as long as possible, he generally contrives to get him indebted to him so as to compel him to remain.

Rent and Evictions.

As already explained, the "metayer" system only being in force, evictions never occur.

Improvements.

No improvements are ever made. Farm-buildings are allowed to remain as long as they will hold together, and repairs are only made by the proprietor when absolutely necessary, who occasionally borrows money for the purpose at a high rate of interest.

Miscellaneous.

The relations between proprietor and peasant are necessarily friendly, their interests being in common. No legislative interference is required, nor is ever recourse made to it.

It is worthy of remark, that the cultivation of large farms under the "metayer" system is, generally speaking, far inferior to that of the small proprietors. For the peasant pays less attention to the proper cultivation of large tracts of lands than he does to small patches, in which he has a more direct interest. For this reason the lands of small proprietors are invariably better cultivated, and produce more abundant crops.

Copyhold.

Nothing resembling the copyholds of England exist.

(Signed) RICHD. WILKINSON.

Salonica, December 14, 1869.

Inclosure 6 in No. 15.

Report by Vice-Consul Blunt respecting the Tenure of Land in the Sandjak of Adrianople.

THE population of the Sandjak of Adrianople is assumed to be about 450,000, the Christian and Mahometan religions prevail, and agriculture is its chief industry.

The prevalent system of land occupation is by small proprietors.

The landed property on this side of the Balkan, from the Black Sea to the frontier of Macedonia, is chiefly divided into small holdings, which belong to and are occupied and farmed by a peasant population, essentially agricultural in nature and disposition. Almost every peasant is proprietor and farmer of from 5 to 40 acres; there are, of course, a considerable number of large estates, but they are farmed by hired labour, and managed by the proprietors themselves.

The following statement, furnished by a principal local land-owner, gives the relative extent of the holdings in this district:—

In 1,00[illegible] 3 have above 500 acres; 30 have between 100 and 500; 300 between 50 an[illegible] between 10 and 50, and 267 have under 10 acres. These lands are usually [illegible]d by other properties.

Their system of [illegible] is of three species:—(1) "Eraziyé Memlouké;" (2) "Eraziyé Miriyé;" (3) "E[illegible]

"Eraziyé Memlouké" a[illegible]nds held unconditionally and in full possession by the proprietors, who ca[illegible] mortgage, and, in fact, use them as they think fit.

"Eraziyé Miri[illegible]" are pu[illegible]d of the Sovereign or State, including those lands which w[illegible] occupiers under military colonists or fief-holders ("Timaars" o[illegible]l waste lands belonging to the State which have been ov[illegible] by private individuals. This species of tenure is bec[illegible] other districts in Roumelia, in consequence of the la[illegible]lands which are annually inclosed by the peasantry. It is st[illegible] straints under the supervision of Government officers called "[illegible] Naziris and com[illegible]s of Title-deeds), and is not open to the same degree of free dis[illegible]he "Eraziyé Memlouké" lands. For instance, the

owner of land under the "Miriyé" tenure cannot sell, transfer, or mortgage it without a licence from the authorities, nor can he convey it in mortmain, or transform it into "Vacouf" tenure without a proper Firman from the Sultan.

"Eraziyé Mevkoufé" ("Vacouf" property) are lands belonging or attached to pious foundations and institutions.

The descent and division of lands under the "Memlouké" (freehold) tenure, are regulated by the civil law of the Mehkemeh; those of "Miriyé" and "Mevkoufé" by special laws and regulations promulgated by Imperial Firmans.

In all three cases the land, on death of owner, is divided in equal portions between his children of both sexes; in the absence of children it is divided in equal portions between the heirs of both sexes of the second degree, and so on up to the forty-first degree of succession in the case of "Memlouké" lands, and the seventh degree in that of "Miriyé" and "Mevkoufé" lands. In either case, the heirs in one of the higher degrees exclude the heirs belonging to the lower degrees.

In the absence of heirs the "Memlouké" and "Miriyé" lands revert to the State; the "Mevkoufé" to the administration of pious foundations.

For the sale, transfer, &c., of "Memlouké" lands, the legal method used is by conveyance, and of conveyance and registry in the case of "Miriyé" and "Mevkoufé" lands.

The cost of conveyance on the sale of "Memlouké" lands is 5 per cent., and for succession 2½ per cent.; of "Miriyé" lands 5 per cent. on sale, and 5 per cent. on succession; and of "Mevkoufé" lands, for sale of property on which buildings are erected 3 per cent., and 1½ per cent. for succession; 5 per cent. is paid on the sale or succession of "Vacouf" lands upon which there are no buildings, but which yield produce or rent.

Within the last four years, since the introduction of the "Vilaet" organization, a sort of borrowing fund has been formed, and is administered by the Provincial Government, chiefly for the benefit of the peasant class of proprietors. Its capital is composed of the proceeds of an annual tax of two bushels of wheat, or its equivalent in money, levied on every pair of oxen owned by the farmers, and of a money contribution paid by those who are not engaged in agriculture equal to 10 per cent. of the amount of their income tax. The agricultural interests of the country derive great advantages from this institution; the custom so prevalent among the small farmers of borrowing money at exorbitant rates of interest in anticipation of their crops, which ultimately placed them and their property at the mercy of a host of relentless usurers, is fast giving way before the facilities offered by this institution, which enables the peasant proprietor to borrow advances at 12 per cent. per annum on very moderate security.

The trustees of these "National Borrowing Funds," as they are called, propose lowering the rate of interest to 8 per cent. next year.

It is an undisputed fact that these funds have very much contributed to place the peasant farmers in some districts on a solvent footing; many of them have not only paid off their old debts, but have also improved their properties, and brought under tillage much more land.

The small properties are not generally mortgaged now; but many of the large estates are at an average interest of 18 per cent. per annum.

If the lands are "Memlouké" or freehold, the mortgage is held valid by the local Courts, even if it is not registered, provided it is supported by the oral testimony of two or more witnesses; but mortgages of "Miriyé" and "Mevkoufé" [illegible]s, in order to be held valid and recognized by the Courts, should alwa[illegible]ade with the cognizance of the authorities, and be duly registered by th[illegible] of Title-deeds, or the Superintendent of "Vacouf" property—1 per ce[illegible] cost of registry in either case.

The principal crops raised are wheat, bar[illegible]esame, and canary-seed. A great deal of silk is also grown in [illegible]and is the source of an active and profitable industry.

Generally among the peasant farm[illegible] regular [illegible]ystem of rotation of crops, but with the occupiers of large esta[illegible]on rotat[illegible]ich lands is two wheat crops, and one oats, and then fallow; or, [illegible]al years' rest, to commence with fallow, followed by sesame.

The mode of cultivation among the peasa[illegible]d simple, though not devoid of neatness and some ski[illegible] plough, with an average depth of four inches to the furrow[illegible]e of[illegible] farmers plough a depth of five and six inches, and often t[illegible]ls as[illegible] possible with the sheep-fold before sowing. The ploughing[illegible]h oxen o[illegible]loes, and in heavy lands three and frequently five or six p[illegible]n.

The corn grown in most of the districts is considered good and highly esteemed in foreign markets, and yet little or no attention is given by the farmers to the selection of seed. Its straw, which is much used in the rearing of cattle, dries soon and is easily broken to pieces by the process of threshing. The instrument in common use for this process is primitive, and is here made of two pieces of flat timber joined together, and stuck over with small pieces of flint. It is attached to a team of three or four horses which drive it continuously over the corn, thrown in bundles on a circular piece of ground in the farm-yard rolled smooth and firm. The straw, as soon as it is thoroughly broken, is separated from the corn and stacked, and the corn made clean and ready for market by shuffling it with shovels.

Almost every village in the province has commons—more or less extensive—belonging to it, to which the peasant proprietors have a right to turn in their cattle, subject to local customary regulations. The village has its own shepherds appointed and paid by the community to guard their cattle when turned out to pasture. By this arrangement, if a tenant's farm is small, he always has enough pasture for a few head of cattle.

The peasant farmers in the plain generally keep from ten to twenty sheep, a cow, a pair of oxen or buffaloes, a horse or ass, and a supply of fowls, geese, and other kinds of poultry; those in the hilly and mountain districts, besides the above description of stock, keep goats, and pigs. The cattle, especially the buffaloes, are well cared for and fed, but no particular attention is given to improving the various breeds. The buffalo prevails in this province as, indeed, throughout Roumelia and Bulgaria; it thrives better here than in most parts of Europe, and is a general favourite with the peasants, who esteem it for their superior adaptation to draught and the uses of the dairy, as well as for its great docility and hardihood.

It is assumed that the tillage lands in the plains are far more considerable in extent than the grass lands, and that the contrary is the case in the hilly and mountain districts, but no reliable statistics exist on this point.

Machinery is not employed by the small proprietors as a substitute for, and in aid of, manual labour. Some of the principal farmers have recently introduced on their estates English threshing-machines worked by steam-power; and, as there is a growing insufficiency of agricultural labourers in the harvest season, the use of this kind of machinery will become more general.

All the large farms are cultivated by hired labourers, but it is difficult to learn in what number per acre.

Female labour is sometimes employed on these farms for cutting and gathering in the harvest. In regard to the small description of farm-holdings, the wife and other female members of the family of the proprietor not only perform most of the indoor work, but also take an active part in the general business of his farm. In many villages, especially among the Bulgarians, the degree of the well-being of a peasant farmer is measured by the extent of his family—the more grown-up children of both sexes he is blessed with the more land he cultivates, for in general the whole family remain at home, and actively assist their parents in the various operations of husbandry; and, as to a farmer's daughters, the value which is attached to their usefulness and labour has given rise to the custom of mercenary marriages so prevalent among the peasantry here. When a peasant wants to get a wife, he has first to settle with and pay to her parents the sum they claim as an equivalent for the labour she contributed to their farm.

Day-labourers receive wages at the following rates:—men from 8*d.* to 9*d.* per day in summer, and 7*d.* in winter, with board. During harvest wages rise to 11*d.* and 12*d.* a-day. Women earn 6*d.* and 7*d.*, and lads about 6*d.* a-day.

The following are the rates of wages paid per annum to labourers who live with their employers, and include board and lodging. The food they get is of the simplest kind; plenty of bread and porridge in the morning and evening, onions, garlic, and other vegetables, and very rarely butcher's meat. Their lodgings are of the very poorest description, and deficient in sleeping accommodations and sanitary arrangements. The wages of most of the common labourers put up in the stables:—

	£	£
Head	12	to 14
.. ..	10	..
.. ..	10	..
.. ..	8	..
.. ..	9	12
.. ..	9	10
.. ..	9	..
.. ..	10	..

Agricultural labourers of this district do not emigrate.

The small proprietors generally live in villages adjacent to their properties. They make their habitations in a rude primitive and uniform manner, at no great expense of time and trouble. These are commonly made of large poles stuck in the ground, secured to each other with wickerwork, and plastered within and without with straw and clay, and not unfrequently cows' dung; the walls are sometimes whitewashed, and the roofs are covered with very thick thatch, and sometimes tiles.

Although the exterior of these habitations in general look slovenly, their interior is neat and trim. They are commonly divided into three rooms on the ground-floor; two are used for storing corn and provisions, and other domestic purposes, and one for the family dormitory. These rooms are 15 to 20 feet long by 10 to 15 feet broad. The conveniences of the family living-room are few and limited to a chimney, one or two cupboards, and a small window; its flooring is of earth, well hardened down, and covered with coarse matting and woollen rugs fabricated in the cottage. Images and relics from Jerusalem and Mount Athos, intermixed with crockery, copper pots and pans, a rifle or pair of pistols, and various implements for household purposes are ranged on shelves all round the walls. In one corner of the room the bedding of the family, composed of home-made coarse woollen stuffs, are piled upon each other, and behind the door stand two or three pewter jars full of fresh water. Attached to this habitation are small sheds with stables, for the accommodation of the farmer's stock; a corn-house, a poultry-house, a piggery, an oven, and sometimes a well are all included in a yard surrounded with fences or hedges, and guarded by two or three dogs. This description does not apply to every district alike; in the hilly and mountain districts the cottages of Turkish and Christian proprietors are constructed with somewhat more taste, solidity, and convenience.

The peasant proprietors are economical indeed, and study to live on the smallest possible number of wants; they very rarely taste butchers' meat, and ordinarily live on rye bread and porridge of maize and beans, seasoned with vinegar and red pepper, and also partake plentifully of dairy produce, garlic, onions, and other vegetables. Their clothing is warm, comfortable and adapted to their pursuits; it is chiefly composed of woollen stuffs, fabricated by the farmer's wife, who is at once spinner, weaver, and tailor; they wear coarse socks and sandals, also made in the cottage, use little linen, are generally sober, and look healthy and strong.

In a material point of view, the small proprietors of the soil in Roumelia appear to be in a satisfactory and prosperous condition. They are distinguished for habits of order, tranquillity, and frugality, and one rarely sees amongst them anything like suffering from want or privations; on the contrary, though they are disinclined to show outward signs of wealth and well-being, if fairly considered, a certain extent of comfort, happiness, and coarse plenty pervade their humble, primitive, and busy-looking dwellings.

The prevalent public opinion is in favour of the small proprietary system, that is to say, of the small land-owners who occupy and till their lands themselves;—it appears that they apply to their holdings more care and labour, and derive from them more produce, than is the case with the farmers of large estates. It is, moreover, generally admitted that the arrangements and regulations of landed property in Roumelia tend to bring under cultivation more land, and to otherwise promote agricultural interests, inasmuch as they preserve among the peasant farmers, who decidedly f[illegible] the bulk of the population of these districts, a fixed state of society, and a spe[illegible] equality, as to the rights and uses of property, with the great land-owners, [illegible]t the country from pauperism and its accompanying evils, which are so pr[illegible]ountries where the bulk of the land is accumulated in the hands of large p[illegible]rs.

J. E. BLUNT.

Adrianople, December 21, 1869.

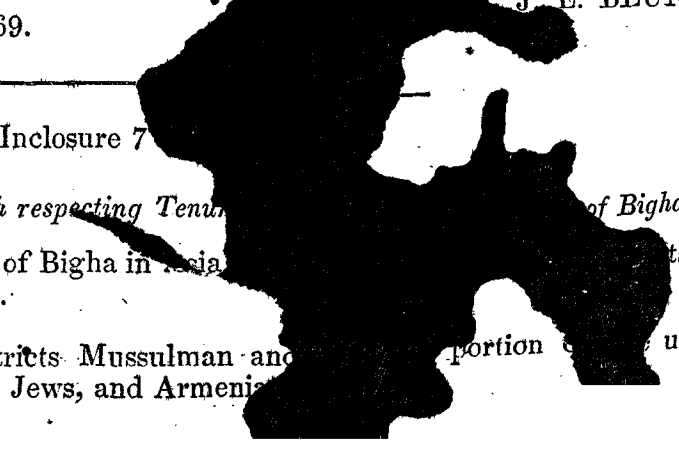
Inclosure 7 [illegible]

Report by Vice-Consul Wrench respecting Tenu[illegible] of Bigha.

Name of Country.—Province of Bigha in [illegible]ts and containing 397 towns and villages.

Population.—92,200.

Religions.—In the rural districts Mussulman an[illegible] portion [illegible] urban population consisting of Catholics, Jews, and Armeni[illegible]



Industrial Pursuits.—Agriculture, with its incidental manufactures of homespun cotton and woollen yarn and cloth, goats'-hair cloth and felt, besides wine where the population is Greek, and rude pottery in localities where the clay is suited to its manufacture.

Land Occupation.

The bulk of the land is held by small proprietors, who till their fields themselves assisted by their families, whose labour, when insufficient, is supplemented by the occasional aid of hired labourers. Fully nine-tenths of the land is thus held. The remainer is held principally by large proprietors, who work their land chiefly by a system of tenant-partnership that will be explained hereafter, while a few scattered instances exist of large farms occupied by tenants, and worked on the tenant-partnership principle. The practice of renting small plots of land for two years is frequent also in many parts of the province under consideration.

(A.)—Small Proprietors.

1. As much land as can be worked by one pair of oxen is the holding that prevails throughout the country; the range of extent is between 20 acres, where the soil is heavy, and 25 to 30 of medium and light lands. Generally speaking, the lands of each proprietor lie together; it will be understood that the areas specified include the land left every year in bare fallow.

2. On the death of a proprietor one-seventh of his property goes to his widow, and the remainder is divided in equal shares amongst the children of the deceased. If there be no widow the children take the whole property. If there be no children their portion goes to the next of kin, and when there is more than one individual in the next degree of kindred, the property is equally divided among all the relations of that degree. The above is the broad rule of descent: it is useless here to follow the ramifications originating in, and dependent for their existence upon, Mahometanism. In former times the property of a childless man reverted to the State.

3. The process of transferring property is as follows:—The seller and buyer present themselves before the proper public officer, in whose presence the seller makes a declaration that he had sold the property, and the buyer that he has bought it; upon this the latter pays a fee of 5 per cent. on the purchase money, and receives a provisional certificate of ownership, which may be exchanged for a regular title-deed on application to the Central Land Office at Constantinople.

4, 5, 6. There are no facilities whatever for raising money on mortgage; indeed until a recent period the Turkish Government did not recognize mortgages at all. Where money is raised on land—a measure not as yet general—the legal interest of the Empire, 12 per cent. per annum, is paid.

7. The basis of all rotations of crops is a four years' shift, namely: first year, wheat; second year, barley; third year, bare fallow; fourth year, a summer crop, such as cotton, haricot beans, Indian corn, melons, or sesame. When these are cleared off the ground in autumn, whe[illegible] is again sown broadcast on the land, which is not subjected to any previous preparation, a[illegible]loughed in with the same wooden plough that has been in use for centuries in th[illegible] The barley is sown in like manner on the wheat stubble. The grain is reaped by ha[illegible]eshed out by the treading of animals harnessed to a sledge, on the under surface [illegible] sharp flints are set. Where the land is strong, some proprietors more enterp[illegible] their neighbours apply manure in the third year of rotation, and r[illegible] or chick-peas. There are, of course, variations from the strict [illegible] of this r[illegible]y are the result of special circumstances, and are of too little importance t[illegible]on.

With respect to [illegible]ock, sm[illegible]aise none, save only a few head of sheep or goats, which a[illegible]ed as be[illegible] on wastes, stubbles, and roadsides. Horned cattle are bred [illegible] or by the inhabitants of districts where there is [illegible]oats are fed on wild waste lands, and are mostly a range of un[illegible] Also [illegible]eep-owning on a large scale is a nomadic owned b[illegible] a mode that would be impracticable in well-pursuit[illegible] for pasture is never cultivated, and, where pastural popula[illegible]d c[illegible]und combined on one farm, they are carried on quite and agr[illegible]al und[illegible] not, as in England, rendered mutually conducive to irrespect[illegible] each oth[illegible] each ot[illegible]evelopme[illegible]

8. No machinery is employed in this province. Small proprietors employ as few labourers as possible, chiefly women, at harvest time, and for hoeing summer crops. The wages of day-labourers are, per diem, as follows :—

	Ordinary Field Work.		Harvest Time.	
	With Food.	Without.	With Food.	Without.
	d.	*s. d.*	*s. d.*	*s. d.*
Men	10	1 4	1 0	1 8
Women	4	0 6	0 8	0 10

9. No labourers emigrate.

10. The class under consideration resides mostly in houses, their own property, in villlages adjacent to their lands.

11. Their dwellings are rude and unfurnished; their food is coarse but wholesome, except in summer, when crude vegetables are preferred to more solid nutriment; their clothing is simple ;—in fact, expenditure is limited to the bare necessities of life, and most of them are more or less in debt.

12. The rural population is exceedingly sparse, but no statistics exist on which to frame a satisfactory reply to this question.

13. Public opinion can be hardly said to have any existence in this part of Turkey. Excessive taxation, as the most prominent evil affecting the rural classes, occupies their minds so fully as to render them indifferent to other drawbacks to their welfare of a less active and galling character.

(B.)—Tenants and Sub-Tenants under Landlords.

Tenure.

1. The very great majority of tenant holdings consists of as much land—20 to 30 acres—as one pair of oxen can cultivate.

2. The tenure of land under proprietors must be divided into three categories, namely :—

(1.) Tenants of large farms for a term of years. The farms of absent proprietors are let, in a few cases, for terms of three to seven years, and the tenant works them on the (sub) tenant-partner system. If there is pasture land on the farm, it is usually let by the year to the nomadic shepherds of Roumelia and Bulgaria.

(2.) Tenant-partners. Under this arrangement the large holder secures the co-operation of as many men as he can supply with a pair of oxen each. These enter into a yearly agreement with the proprietor to do the work of the farm, using the latter's land, cattle, implements, seed, and manure. This form of tenany is created by a memorandum of agreement, in which the proprietor lays down the conditions of the partnership, and the tenant-partners subscribe to it. At the close of the year the agreement becomes extinct, and the proprietor takes that opportunity of getting rid of the inefficient or turbulent members of the body, and replacing them by others. The agreement, to be legally binding, should be registered, but rarel[illegible] It will be understood that this is not a general association of labour; bu[illegible] the proprietor assigns to each individual the portion of land he is to till, an[illegible] and implements he is to use for that purpose.

(3.) Tenants of small tracts for two years. Small pr[illegible]s, the extent of whose land is less than their oxen can till, or owners[illegible]d belonging to them, rent as much as they require for two years[illegible] grow a crop of wheat, in the second a crop of barley, af[illegible] and lies fallow for two years before it is supposed to have recovered[illegible]sting effects of two successive grain crops, and during that restoratory [illegible]nt will [illegible]nk it worth his while to take it in hand.

3. The tenancy under the proprietor is [illegible]ement according to a form furnished by the proper[illegible] office [illegible]gistered. The sub-tenancy of the pasture is created by t[illegible] pay[illegible], and the delivery of a receipt for the same.

4. The provincial land office is also a regist[illegible] co[illegible]l agreements. The document is made out in duplicate o[illegible]per, an[illegible]ed fee of about 10*d.* per annum on the duration of the agreem[illegible] Althoug[illegible] formality

is requisite, in order to make the document legal, it is not always resorted to, as the people, in case of disagreement, prefer to settle their differences among themselves, rather than submit to the tardy and uncertain operation of the law.

5. There are no such laws and customs. It must be remembered that the population is so thin that land is comparatively a drug, so that the possessor of a pair of oxen is deemed better off than one who has some twenty acres of arable land and no oxen. It therefore arises, that those who have the necessary appliances for cultivation are never at a loss for land on which to employ them, and find greater advantage in changing about and scratching a crop out of a virgin soil than in thoroughly cultivating one spot of land—a task, indeed, for which their agricultural knowledge, as well as their implements, are inadequate. It is obvious that, under these circumstances, land-holding is stripped of all sentiment, and that there is no parallel in this country to the feeling out of which the theory of tenant-right has arisen in Ireland.

Rent.

1, 2. Tenants of large farms, as mentioned above, pay their rent in money, always partly, sometimes wholly, in advance. Sub-tenants of pasture also pay their rent in money and in advance.

Tenant-partners after paying tithe, which is 12½ per cent., and returning to the proprietor the seed sown, further pay to him a portion of the remainder of the crop. In this neighbourhood the proportion is one-half, though further south the rent amounts to two-thirds of the nett crop.

Tenants of small tracts pay as rent a quantity of grain equal to the seed they sow. If the tenant sows a bushel of wheat he pays a bushel of wheat as rent for that year; if he sows a bushel of barley he pays a bushel of barley as rent.

3, 4. These queries contemplate a state of society and a relative value between land and labour so different from what exists in Turkey, that the issues raised by them are irrevalent to any of the considerations which arise in reviewing the condition of landholders in this country.

Improvements.

1, 2, 3, 4. A non-resident landlord never makes any improvements—a tenant never executes any of a permanent character. Rough shedding, frequently constructed of reeds, supplies the place of buildings, and lasts during the tenancy; and, as it is the custom to complete the threshing before the autumn rains, and to sell the grain as soon as threshed, it is rare to find any but the rudest and most limited accommodation for storage. It is difficult to convey an adequate idea of the forlorn aspect of the homesteads on Turkish farms, or to insist too distinctly upon the fact that the Turkish farmer, whether proprietor or tenant, confining himself to simple tillage in its most rudimentary form, neglects everything which would give even a semblance of order, comfort or thrift to the property which he occupies.

5. Tenants have no means whatever, beyond the anticipatory sale of their growing crops, of raising money for any purpose.

Miscellaneous.

1. The [illegible]lations are of so primitive a character, and the ties of association between landlord and [illegible]t are so slender that where the relations cease to be harmonious the connection se[illegible]tural consequence.

2. The m[illegible]ation practised by tenants is identical with that employed by small proprietors. [illegible]ference between the social and material condition of the two classes, which [illegible] is, that the proprietors have not yet been driven by creditors [illegible]nds and oxen, while the tenant-partners have.

The debts of the latt[illegible] paid by the sale of their property, they are generally less indel[illegible]d than [illegible]rietors, with whose standard of living their own is identical.

3. Statis[illegible] is head [illegible]

4. Never [illegible] all Pro[illegible]ors.

5. An[illegible] to [illegible]eries Nos. 3 and 4 of Rent apply equally to

6. [illegible] these. [illegible] all Proprietors.

8. [illegible]red u[illegible]e been taken to increase the number of freeholders

9. [illegible]rtunate[illegible]hich confers the right of holding property upon beyond [illegible] recent e[illegible]

foreigners. The native population—scattered as it is, and impoverished by many causes, among which a prominent place must be given to taxation, which is onerous, inequitably distributed, and abusively collected—presents no element out of which to recruit the ranks of diminishing owners. Colonization alone appears to offer a prospect of amelioration, and the infusion of new blood, new energy, new capital, and greater agricultural science, is the only mode by which the position of the land-owning classes can be improved.

10. Tenants receive no assistance from any public quarter in their endeavours to become proprietors.

11. The laws in reference to land, as they now exist, have no influence either on its accumulation or dispersion. The population is too thin for dispersion, and too poor for accumulation.

(Signed) WILLIAM H. WRENCH, *Vice-Consul.*

Dardanelles, December 6, 1869.

Inclosure 8 in No. 15.

Memorandum by M. Ceccaldi respecting Tenure of Land, &c., in the Island of Cyprus.

L'EXPLOITATION des terres en Chypre affecte deux formes principales: ou le propriétaire cultive seul son terrain avec les bras et les animaux dont il dispose, ou il s'associe avec des paysans possédant eux-mêmes des paires de bœufs.

Ces deux modes se trouvent parfois mêlés et combinés dans une même propriété; ainsi la même personne qui cultive avec ses paires de bœufs une partie de ses terres (correspondant à la réserve de nos propriétaires) s'associe pour le surplus avec les paysans voisins. Néanmoins la grande masse des exploitations rurales rentre exclusivement dans la première catégorie, celle où le simple paysan cultive et récolte sur son champ avec ses propres moyens.

L'étendue de ces exploitations, qui forment la très grande généralité dans l'île, puisqu'il n'y a guère en dehors que 70 à 80 tchiftliks ou grandes fermes, leur étendue, dis-je, varie entre 200 et 10 échelles, c'est-à-dire, entre 50 et 2½ hectares, et descend même plus bas. Les exploitations de 110 échelles ou 27½ hectares forment une assez nombreuse classe de ces propriétés pour qu'on puisse les prendre ici pour type. Il faut se rappeler que sur ces 27½ hectares la moitié consiste en jachères suivant les errements du pays exposés plus haut, et l'autre moitié seule est cultivée chaque année. Sur ces 13 ou 14 hectares mis annuellement en valeur, le cultivateur dispose d'une paire de bœufs, avec laquelle il ensemence 11 à 12 hectares en céréales et dans les terrains favorables 2 à 3 hectares en coton. C'est la proportion habituelle.

Viennent ensuite les tchiftliks. Ce sont des fermes exploitées par le propriétaire, ou par un locataire, qui renferment généralement 500 à 600 échelles ou 150 hectares, dont 75 en jachères chaque année, et qui ont de 4 à 5 paires de bœufs. On compte environ 70 à 80 de ces propriétés rurales dans l'île.

Enfin il y a de très rares domaines renfermant jusqu'à 1,000 hectares, et parmi lesquels je citerai celui de la comtée appartenant à un Français et celui de Calossi [illegible] Limassol, sur l'emplacement de l'ancienne Commanderie des Templiers, propriété [illegible] exploitée par un Grec Raya qui l'a en bail emphytéotique pour 99 ans.

Ces vastes étendues et la plupart des tchiftliks rentrent [illegible]de catégorie des exploitations rurales, celles où le propriétaire, tout en appliq[illegible] réserve le travail de ses serviteurs et de ses animaux, s'associe pour l[illegible]s de ses terrains avec les paysans du voisinage. Il me reste à dire [illegible]uel est le mode de ces associations.

Voici d'ordinaire comment les choses [illegible]ropriét[illegible]re donne le terrain et fournit les semences: le paysan fournit [illegible] son tra[illegible]il; il laboure, sème, moissonne, et fait le battage. La récolte ac[illegible]lève d'ab[illegible]me pour le fisc; ensuite on partage les grains en [illegible]ux portions ég[illegible]ire, l'autre pour ses associés. La paille appartient [illegible]totalité [illegible]le propriétaire n'ait fait la moitié des frais de la moiss[illegible] au[illegible]la paille. Ceci concerne les céréales. Quand il s'agit [illegible]urnit le terrain et les semences; le paysan laboure, sèm[illegible]s et r[illegible]lte, on prélève la dîme et l'on partage par moitié.

D'après les renseignements que j'ai recueillis de[illegible]tre, l'assoc[illegible]n est plus avantageuse au paysan qu'au propriétaire. En effe[illegible]uve toujo[illegible]oyen de

détruire à son profit l'égalité qui devrait exister dans le partage des profits: il détourne d'abord une partie des semences que lui donne le propriétaire; puis lors de la récolte il trouve aussi moyen de dérober à l'œil du maître une certaine quantité de grains; enfin il ne travaille pas sur le bien du propriétaire avec la même activité qu'il emploie à cultiver son propre champ. Il est bien difficile d'empêcher ces fraudes; la surveillance serait inefficace à moins d'être exercée par des agents plus consciencieux que ceux que le propriétaire a généralement à sa disposition. La tromperie et la mauvaise foi, il faut bien le dire, sont particulièrement dans le caractère du paysan Chypriote, et ces dispositions naturelles ont encore été développées par la nécessité de lutter avec les moyens des faibles pendant des siècles contre l'oppression Musulmane. Cette absence de sens moral, à laquelle un bon système administratif apporterait sans aucun doute de précieux correctifs, et qui malheureusement n'est pas restreinte aux seuls paysans, restera longtemps encore un des fléaux caractéristiques de l'Orient.

Malgré les inconvénients que je viens de signaler, ce mode d'association est utile et nécessaire dans un pays où les bras manquent et où la main d'œuvre est très chère. Un conducteur de bœufs coûte à l'année environ 365 francs, 1 franc par jour: un journalier à l'époque des semailles se paie 2 francs par jour; une femme moitié. Il est vrai que ni les uns ni les autres ne sont nourris; mais néanmoins, comparés aux prix d'Europe, et eu égard à la moindre besogne qu'effectuent les gens de Chypre, ces salaires sont élevés. L'association est donc un bienfait pour les deux parties: pour les propriétaires, lesquels trouvent un moyen d'utiliser de vastes étendues de terrain qui sans cela resteraient improductives; pour les paysans, qui emploient le surplus de leurs temps et du travail de leurs animaux à augmenter leur gain naturel.

Ceci me conduit naturellement à l'examen de cette question fondamentale du revenue des terres, ou du taux plus ou moins rémunérateur qu'obtiennent les capitaux consacrés à l'agriculture dans l'Ile de Chypre. Je ferai cet examen pour les deux types principaux de propriétés qui s'y rencontrent; une terre de paysan, et le tchiftlik ou ferme.

Pour la terre de paysan je prendrai pour exemple l'exploitation de 110 échelles ou 27½ hectares d'abord, parcequ'elle constitue, comme je l'ai dit, une nombreuse catégorie de propriétés dans l'île; ensuite parcequ'elle est d'une étendue assez convenable pour qu'on y puisse étudier les conditions et se rendre compte des résultats de la culture.

Le paysan cultive cette étendue avec sa paire de bœufs, ses bras et ceux de sa famille, comptant, lui compris, de cinq à six personnes.

Voici d'abord sa mise première en capitaux:—

	Piastres.
100 échelles de céréales à 150 piastres l'une, en moyenne	15,000
10 échelles de coton à 600 piastres	6,000
Une habitation	1,500
Total du capital foncier	22,500

Il faut en outre—

Une paire de bœufs	1,600
Un âne	400
Les instruments du travail: 1 charriot, une charrue, des outils, &c. ..	1,000
Total du capital d'exploitation	3,000

Les 110 échelles, dont 58 seulement, pour compter largement, sont cultivées chaque année, produisent en moyenne—

[illegible]ge, 30 échelles à 8 kilos. par échelle, à 8 piastres le kilo. ..	1,920
[illegible] échelles à 6 kilos. par échelle, à 16 piastres le kilo. ..	1,920
[illegible]elles à 15 ocques nettes par échelle, à 6½ piastres ..	750
.. ..	4,590

Je suppose[illegible]ême, comme pour le capital d'exploitation, le paysan, comme[illegible]aura reçus par héritage ou acquis à deniers comptants, et qu'il n'a pas [illegible] de ce chef. Les charges d'agriculture se réduiront alors—

	Piastres.
1. A[illegible] travail, bœufs, &c. qui peut se [illegible]t des ins[illegible]e somme de 3,000 [illegible]astres par an ..	500
[illegible] [illegible]11 par échel[illegible] font pour 58 échelles	
2. A[illegible]	600
Oxc[illegible]	1,100

[illegible] du remboursement on a 3,490 de revenu net; qui

En [illegible]ant ces [illegible] capital foncier et d'exploitation portent le taux de ce

relativeme[illegible]x 25,500 [illegible]

revenu ne[illegible]3½ pour ce[illegible]

Ainsi avec un capital de 25,500 piastres, ou de 5,730 francs, avec son travail et celui de sa famille, le cultivateur Chypriote gagne année moyenne 3,490 piastres ou 760 francs sur une propriété de 28 hectares, ce qui met le revenu net par hectare à 27 francs. En France il est, je crois, de 60.

Avec ces 3,490 piastres le cultivateur doit faire face aux dépenses suivantes :—

	Piastres.
1. Les impôts, savoir :—	
A. La dîme, qui sur 4,590 piastres de produits, serait de 459 piastres ; mais comme le paysan trouve généralement moyen d'en dissimuler quelque chose, nous compterons seulement 400 piastres	400
B. Le droit d'Emlak de 4 pour mille sur la valeur du fonds ; soit sur 22,500 piastres	90
(L'impôt sur le revenu de 3 pour cent se trouvant perçu pour l'agriculture par le fait de la dîme, nous n'avons pas à le faire entrer ici en ligne de compte.)	
C. L'Askérié, ou impôt pour le rachat du service militaire payé par les Chrétiens, qui forment les $\frac{5}{6}$ de la population agricole, par famille environ	80
D. Les impôts spéciaux pour les percepteurs, la sauterelle, redevances au clergé Grec, chemins	150
Total des impôts .. .. (Ou plus du cinquième du produit net.)	720
2. La nourriture et l'entretien pendant l'année du paysan et de sa famille, qu'on peut évaluer à	2,000
Total des dépenses	2,720

En déduisant ces 2,720 piastres du chiffre du revenu net, qui est de 3,490, on a une somme de 770, ou environ 174 francs, qui représenterait les economies possibles. Dans ces conditions la situation de l'agriculteur ne serait pas mauvaise en somme. Mais il ne faut pas perdre de vue que j'ai pris pour exemple la classe de cultivateurs relativement la plus favorisée—celle des paysans disposant de 28 hectares de terres ; qu'au-dessous de cette catégorie il y a un nombre bien plus considérable de propriétaires de petites parcelles qui n'ont presque jamais d'économies devant eux et qu'un certain nombre même a dû emprunter, soit pour payer un lot de terrain, soit pour faire face au déficit des mauvaises années : quant à ceux-là ils restent écrasés sous des taux d'intérêt, dont le minimum est rarement de 18 pour cent et dont le maximum dépasse 40 pour cent.

Enfin les économies mêmes réalisées par la classe la plus favorisée ne sont pas assez notables pour permettre aux individus qui la composent de remplir le rôle de la moyenne propriété dans nos contrées, c'est-à-dire, de s'élever eux-mêmes en bien-être, civilisation, fortune, tout en améliorant l'agriculture de l'île.

Il me reste à faire connaître les revenus de terres d'un tchiftlik ou domaine de 125 à 150 hectares, exploité par le propriétaire dirigeant en personne conjointement avec des paysans associés. Sans entrer ici dans tous les détails des calculs que j'ai dû faire quant au capital, aux charges d'agriculture, aux produits, je dirai seulement que le revenu des terres de tchiftlik n'est que de $6\frac{1}{2}$ à 7 pour cent. Cette différence avec les terres cultivées directement par le paysan tient au chiffre plus élevé des frais généraux à l'obligation de salarier des ouvriers que n'a pas le paysan, et enfin au moins de zèle des travailleurs et aux détournements dont le propriétaire est toujours plus ou moins victime de la part de ses ouvriers et de ses associés.

Il n'y a pas, ou presque pas, en Chypre de domaines affer[illegible]ant à ceux que donnent à bail nos propriétaires d'Europe, et qui leur rapporte[illegible]ment 3 pour cent de revenu.

En résumé l'on voit que si l'assolement é[illegible] l'île et que le paysan cultivait annuellement tous ses terrains au lieu [illegible] en [illegible]ue la moitié, ce qui ne nécessiterait qu'une dépense en fum[illegible] agricole en plus, le revenu en argent de sa terre serait certainement aug[illegible] tiers et s'éleverait ainsi à 22 pour cent. En déduisant même l'intérêt d[illegible] foncier [illegible] d'exploitation que je n'ai pas fait entrer en ligne de compte, et en le [illegible]au taux de [illegible]12 pour cent., la terre donnerait encore un revenu de 10 pour cent.

Je crois que ces chiffres autorisent à conclu[illegible] excellent pays pour une colonie agricole Européenne bien [illegible]ou[illegible] de cette émigration ferait sans doute hausser le prix des [illegible]p[illegible] ni dans une proportion très forte durant les premiers temp[illegible] grande[illegible] terres disponibles. Il faudrait seulement que l'entreprise fut[illegible] matur[illegible]abileté et diligence. La constitution de la propriété sur de[illegible]elles et la [illegible]ganisation administrative et judiciaire de la Turquie hâteron[illegible] de pareill[illegible]treprises

seront possibles et fructueuses ; mais il faut d'ores, et déjà se tenir en mesure pou rarriver en bon temps.

No. 16.

Consul Sir R. Dalyell to the Earl of Clarendon.—(*Received February* 4.)

My Lord, *Rustchuk, January* 18, 1870.

IN compliance with the instructions addressed to me by a despatch of the 1st of November ultimo from Mr. Barron, I have the honour to transmit (under flying seal to Her Majesty's Embassy) such answers as I have been able to collect to the queries put in your Lordship's Circular of the 26th of August last, as to land tenure.

The area of this Province of European Turkey is not very different from that of Ireland; its population, taking the Irish Census of 1861, probably, from 2,000,000 to 2,500,000 less;* but, even were the latter circumstances more parallel, I am afraid that little of practical use would be derived from such answers as I am able to supply.

1. As to queries in Part B, the system of tenancies is here exceptional, and where found, its incidents rather resemble those which might occur in some of our Colonies, than in a country with complicated social relations.

2 Some general information as to the condition of small proprietors may, perhaps, be derived from the answers to the queries in Part A; but with, I submit, the reserve that peasant proprietors here are not only very sparse, relatively to the cultiveable acreage, but likewise not met by the competition of a class desirous to acquire land.

The result is that, speaking generally, a peasant in Bulgaria has, or should the property be sub-divided on death, may easily acquire, sufficient land for the subsistence of a family, and even to cultivate at a small profit.

As to mere necessities of subsistence, the peasant of this province, and, I think, your Lordship will find on inquiry, the peasant in the East of Europe generally, is better off than many of our own peasantry or agricultural labourers.

As respects questions raised by political economists, as to the comparative yield of systems of large and small culture, such questions are not here tested, no other general system but that of small properties existing.

It should also be borne in mind, that the position of a landlord in this part of Europe is markedly different from what it is in more densely populated countries, land (and I speak also with some slight experience of Servia and Roumania, in both which countries I have had the honour to serve Her Majesty's Government) being of little value, from the circumstances—(1) that the population is small relatively to the acreage, and (2) that there is no immigration to any extent to more thickly populated countries.

The Government here and in Servia, and the great proprietors in Roumania, accordingly are disposed to give the peasant land on very easy terms, and this is, probably, the explanation of a statement I ventured to make in a paper lately transmitted to your Lordship by Her Majesty's Embassy as to the rural law in Roumania, to the effect that the great proprietors were not usually disinclined to concede land to the peasant, their object being to get, somehow or other, a population fixed on their estates, with whom they could subsequently deal as labourers; just as in Servia or here, the Government look to the extent of waste land brought into cultivation for the increase of [illegible] most productive taxes.

I appen[illegible]bstract from such few and incomplete statistics as I have been able to obtain from [illegible] authorities. The figures must be received with the greatest reserve, but ma[illegible]n idea of the produce, &c., of the province.

I have, &c.

(Signed) R. A. O. DALYELL.

[illegible]n No. 16.

Report by C[illegible] R. Dalyel[illegible] Tenure of Land in the Vilayet of the Danube.

Name of [illegible] Danube [illegible]vince of European Turkey.

P[illegible] abou[illegible]5,000 English square statute miles.

I[illegible] entirely either (1) Mussulman one-third; (2) Greek [illegible]wo-thir[illegible]pulation, Mussulman and Greek rite, and also (3) some Roma[illegible]olic (4)[illegible]5), a very few Protestants.

* Area [illegible]12 square statute miles; population, 5,798,967.

Industrial Pursuits.—Home manufactures of cloth, linen, &c., for dresses of peasantry, *i.e.*, of carpets, some of which are exported beyond the Vilayet; cordage for small craft on Danube; tanneries in some towns; iron-works at Samakof.

Land Occupation.

(*a.*) Almost entirely small proprietors. (*b.*) A few tenants of large holdings under proprietors, some sub-tenants under intermediate tenants holding from proprietors (but subordinate holdings usually cultivated under métayage arrangements with chief tenant).

In absence of statistics impossible to state proportion in which these systems exist, but large holdings few in number.

(A.)—Small Proprietors.

1. From 25 to 50 acres (to cultivate profitably peasant must have sufficient land to employ at least one pair of oxen, *i.e.*—as a certain portion of holding is left each year in fallow) from 25 to 30 acres, most of the peasant proprietors have that quantity) properties much intersected (there being no fences, villagers agree to cultivate one year the fields they possess on one side of the village, leaving their fields in another direction in fallow, or as general pasturage for stock).

2. Partition amongst children; failing children amongst nearest relatives; unlimited power of disposition by will, but peasant proprietors rarely make a will; children may arrange that property should remain undivided, and such arrangements frequent.

3. There is a bureau at the chief town of the Vilayet for sale of Government land and registry of such sales, with officers in each kaza (subordinate administrative division comprising a varying number of villages). A peasant having saved a few hundred piasters, and desiring to acquire title to land occupied on sufferance, or to add to his property, addresses himself to such local employé, who appraises the land with the assistance of the chief villagers of the locality; purchaser then pays down price against acknowledgment, and a counterfoil of the register is filled out on a printed form, and transmitted to central office at Constantinople to be stamped and finally returned to the purchaser, who, on receiving it, pays 5 per cent. on appraised value of the land, and 4 piasters (8*d.*) fees, and is put in possession; if he sells or exchanges, new titles are similarly issued, and 5 per cent. and 8*d.* fees again levied by Government; in case of death new titles must be taken out by heirs, but are furnished gratuitously. A property if left untouched by the proprietor for three years may be resumed by the Government.

4. Only as follows:—agricultural "caisses" have been established in the vilayet of ate years; peasants receive seed, and are required to cultivate each a certain small portion of Government land annually, produce being handed over to Government, and its price-forming fund from which peasant proprietors may borrow at current rate of interest, viz., 12 per cent. Considerable complaints prevail as to management of these "caisses," but they are resorted to by the peasantry, though not univ lly as yet, in consequence of formalities required, sometimes for purchase of ox seed, not for general improvement of their properties; on occasion of marria

5. Generally speaking, peasant proprietors are in d g crop being frequently pledged for small-money advance to usurers on te alent to an interest of 40 to 60 per cent.

6. Such assignments of crop are frequent r villagers, or merchants, either in writing or verbally, h or sch aster, and then constitute a debt provable by witnesses; n stamped paper, stamp duty small; any legal penses trifling; no regi gnments

7. Principally wheat, barley, maize, mi no system of rotation, a portion of each pr rty is left in small q tio cases, manure not employed; system of agriculture and implem iption; stock principally pastured on common land bel ng elds not during the year under tillage; no efforts made t bsence of statistics, it can only be said that there is still n pable c vation, which has never been brought under tillage.

* If the peasant can show undisturbed possession for ten y appraised at inal rate. Many "tapus" are issued for a "donum" (about 1 rood).

8. About forty reaping-machines, and a few threshing-machines, have recently been purchased by the Government from the funds of the agricultural "caisses," and distributed at different points in the vilayet; former, particularly, available of by the villagers; as a rule, however, agricultural labour entirely manual and by oxen. Hired labourers are remunerated sometimes in kind, but frequently in money, at rate of 3*l.* to 6*l.* for summer six months, less in winter, and fed and lodged. Average number per acre cannot be stated; but hired labour, especially at harvest-time, is scarce and well remunerated.

Much and severe field labour is performed by the females of the family of the Bulgarian peasant by Mussulman women, to a much less extent; women not employed as hired labourers.

9. There is no stream of emigration. Large numbers of the population have at times emigrated from political causes, but many have returned. The poorer peasants frequently go to Wallachia, or cross the Balkan for harvest work, returning afterwards to their homes.

Of late years numerous Circassians and Tartars from the Crimea have been established in this vilayet by the Government on waste lands, supplied with cattle, &c., and exempted for a certain number of years from the most onerous taxes, conscription, &c.

10. In the villages and towns adjacent.

11. With exceptions in some districts, the houses of the peasantry very tolerable; those of the Mussulman peasantry scrupulously; and those of the Bulgarian peasantry very lean.

Peasants' diet consists rather of vegetable than animal food; but this not from want of means of procuring former; he is warmly clad, has plenty of fuel; and, as all articles of clothing of the Christian peasant are made by the women of the family, and there is little or no restriction on taking wood from forests, is, even though otherwise poor, well supplied in these latter respects.

Much time is subtracted from agricultural pursuits by the numerous church festivals strictly observed by the Bulgarian peasant; and the severe winters restrict the seasons of agricultural operations; but the character of the Bulgarian peasant is penurious and saving; and his industry and aptitude for agricultural pursuits remarkable. Even in the towns a beggar is scarcely ever seen.

12. In absence of statistics of population, average population per acre cannot be stated with approach to accuracy. Average number of children in a family perhaps somewhat greater in the case of peasant proprietors than in that of the inhabitants of the larger towns. The population does not increase rapidly; mortality among young children great. The conscription also great check to increase of Mussulman population.

13. Since 1865 the titles to land ("tapu") have been issued at chief town of Vilayet; and this mode of issue is, I am informed, now introduced in other Vilayets where Government printing-offices have, as here, been established at the chief town. Elsewhere the "tapu" must be obtained, in first instance, from Constantinople, and delay and expense are much greater. This increased facility for acquiring proprietorship in land, much liked by, and extensively availed of by, peasantry. In issue of small "tapu," few abuses—from circumstance that there is little opening for extortions. In issue, however, of "tapu" for larger portions of land there is considerable favouritism and peculation. No system but that of small holdings at present generally practicable here from de[illegible] of native capitals to acquire large.

(B.)- [illegible] AND SUB-TENANTS UNDER LANDLORDS.

[illegible]enure.

1 and 2. Tena[illegible]y unde[illegible], existing only in the case of a few estates belonging to Pasha[illegible] Bey's, &c.; [illegible]ed directly by the landlord. These estates, though not nu[illegible] of la[illegible]. The whole est[illegible]e is usually let to one tenant, generally aga[illegible] term of the lease varying from three to five years; sur[illegible] tena[illegible], tenant pays the Government tithe; and engag[illegible] te[illegible]d with same amount of cattle as he received, morta[illegible] mult[illegible] being at account of tenant. Tenant, then, either (*a*) ar[illegible] with t[illegible]g villagers to cultivate for him at money payment, fixed s[illegible] in kind, o[illegible]roduce; or (*b*), if the property is very large, arranges

* [illegible] a good deal [illegible] reclaimed by peasants, who then obtain "tapu" at a nominal rate.

with other small capitalists that they should cultivate portions for him, such last mentioned arrangements being generally in metayage, but sometimes in the nature of sub-tenancies, and then assignable without the consent of the landlord or even the chief tenant.

3. By written agreement on stamped paper, in which conditions of lease are very explicitly stipulated.

4. No; but it is frequently made before the local authorities, and in that case the seal of the local tribunal is affixed, simply, however, as a precaution against fraud.

5. If the rent be punctually paid, and the conditions of the contract fulfilled, the lessor cannot legally oust the tenant; but, on death of proprietor, children may set aside the contract, and there may then be considerable difficulty in recovering rent advanced.

6. A tenant may sell his interest in his farm without consent of landlord. But landlord still looks to and recovers his rent from original tenant and his sureties.

Rent.

1. Generally in money; sometimes under a métayage arrangement, varying according to what is supplied by the lessor, sometimes by fixed amount in kind.

2. Landlord makes best bargain he can. There is little competition, and rent usually very low. The periods of payment of rent are stipulated in the contract, usually six months in advance, with first payment on entry; sometimes that first payment shall not be made till the harvest is got in; frequently a much larger payment than six months in advance is made on entry, amount of rent being proportionably diminished.

3. At expiration of lease, landlord has unlimited power of raising the rent. n case of non-payment of rent, &c., landlord produces his contract to local authorities, who can turn out tenant.

4. Production of contract to local authorities; occasionally, but rarely (as the terms of the tenancy are very simple) to the tribunals. Landlord may seize crop, cattle, &c., on ground.

Evictions.

1. Landlord applies to local authorities. No notice required. Tenant appears; and, if he can establish that his difficulties are temporary, is generally allowed a short term, say two months.

2. Such evictions not frequent. These tenants, who are generally merchants in small towns, often become bankrupt; but an arrangement between tenant and landlord is generally come to.

Improvements.

1, 2, and 3. On these properties there is a house, wooden sheds for grain, wooden stablings, but little else in the shape of farm buildings. The occupier takes what he finds, and executes no improvements. It is sometimes stipulated in the contract that the landlord shall put up some sheds, &c. By Turkish law, anything once annexed to the dwelling-house, however temporary in character and easily severable, becomes the absolute property of the landlord. Were a tenant to erect a building elsewhere on the ground, at expiration of tenancy value of building and soil on which it was erected would be appraised, and difference paid by either party.

4. By the ordinary tribunals.

5. No; the agricultural caisses being intended only for p rietors.

(*a*.) It will be remembered that system of large farn exceptional; but much land is cultivated by the peasant proprietors A peasant proprietor, who, from want of oxen or seed, finds himself w s to cultivate, makes an arrangement with a neighbour under hbour c tes, rendering to the proprietor the number of bushels of be necessary for cultivation, and taking th profit and risk of failure r the l vest the proprietor re-enters into possession, cultivating himse ing a new rrangement for the following year. Such arrang ent is conclude e the elders of the village.

6. Everywhere in Turkey there are nsid f which are Mussulman religious or charitable found es are usually cultivated by arrangements with the neig ntry, v erally receive a portion of the produce in kind. A crier is s neighbou villages to announce terms offered by the Mosque; and, by a t law, thes ms once taken up, cheaper offers cannot be received from p t villages.

(*c*). There are a few village proprietors in this vilayet who hold titles of land from mosques. Incidents of succession and division of land so held are now identical with that of land of which the title is held from Government.

Miscellaneous.

1. There is unfriendliness in the relations between the Pasha or Bey and his farmer, but much subserviency on the part of the latter, who, frequently a merchant in a neighbouring town, is often induced to take the farm partly with a view to some protection as to his affairs generally.

2. The ordinary rude agricultural practice of the country; cultivation somewhat worse than by peasant-proprietors; farmer divides his time between his general commercial occupations and his farm, lives very frugally, becomes very frequently insolvent, in general circumstances is of course better off, but in honesty and probity generally inferior to peasant-proprietor.

3. These farmers belonging to the town populations, answer above given as to increase of population applies.

4. The populations of towns, to which class these tenants belong, rarely emigrate.

5. No particular improvements are suggested; influx of capital by purchase of large estates by foreigners might improve agriculture, &c., but no indications as yet appear of desire of foreigners to avail themselves of right recently accorded to them to purchase land; where these large estates exist the villagers upon them are nevertheless peasant-proprietors, for in the purchase of a large tract of country a certain area round each village is always excepted; the Vice-Consuls of Sulina and Kustendji, in whose districts these large estates are principally found, inform me that the inhabitants of villages on these estates are not inferior in their circumstances to other peasant proprietors.

6, 7, 8. No.

9. Yes, *vide suprà*.

10. No; there is no desire on the part of tenants to become proprietors, landed property yielding in Turkey a very small return compared with that derivable from other investments.

11. The provisions of law at first sight seem to favour the dispersion of property, but they are counteracted by the desire of the peasant to acquire land, the necessity in which he finds himself to augment a subdivided property in order to employ profitably at least a pair of oxen; and his acquisition of land is facilitated by the low terms on which, and very small portions in which, it can be acquired, in the case of a peasant who has brought waste land into cultivation at an almost nominal rate, also by a provision of law which secures pre-emption of land to a neighbour; but the exactions of Government employés in respect to taxation, in itself not onerous, and especially the wretched system of collection of the Government tithe, under which the harvest is allowed to rot on the ground till the percentage is collected, discourage the peasant and cripple his purchasing power.

Copyhold.

The properties of these peasant proprietors now differ little, if at all, in respect to nature of tenure, and the incidents of their possession, from the most favoured species of landed prop[illegible] in Turkey in the possession of individuals, viz., absolute property in land, subject only [illegible] payment of the Government tithe. Premising that the peasants of a "Ziamet" or [illegible] (larger or smaller fief) were in addition to the Government tithe which they stil[illegible]erly subject to varying dues and taxes to the "Spahi" (or feudal lord), the fo[illegible] extracts from the Treatise of Gatteschi, "Des Lois sur la Propriété Fon[illegible]man: Paris, 1867," will show the nature and mode of growth of [illegible] present [illegible]Les ordonnances impériales ou kanoun établirent plus tard diverses sortes d[illegible]errains, qui ne se trouvent pas dans les plus anciens livres de jur[illegible]pruden[illegible]Ces concessions étaient presque féodales; par

* The late [illegible] Colonel Neale [illegible]ajesty's Consul at V[illegible], wrote in 1855:—"A very great proportion of the [illegible]or agricultural pur[illegible]is common, and the tenure consists in the obligation to [illegible]tate. The agriculturist is undisturbed in his possession, but the possession [illegible]e abandoned for three consecutive years, unless good cause is assigne[illegible]e in Lieutenant-Colonel Neale's No. 12 of May 7, 1855, to Emb[illegible]on when the Spahis, who, since the institution of the "nizam" (regula[illegible]y service, still drew very arbitrary and excessive payments from their peasant[illegible]mall annuities for their lives. As to "Ziamets" and "Timars," *vide* Report p[illegible]ted by Ubicini, "Lettres sur la Turquie, vol. i, p. 540; Von Hammer, vol. i, p[illegible]D'Ohsson, v[illegible]Thornton's "Turkey," p. 164.

elles les Sultans donnaient à leurs compagnons d'armes une grande quantité de terrain conquis, à titre de 'Ziamet' et de 'Timar,' c'est-à-dire, grandes et petites terres féodales.

"Le feudataire, dit Hammer, jouissait des rentes pendant sa vie, et après lui ses héritiers mâles, avec l'obligation non seulement de marcher en temps de guerre, mais aussi de fournir un contingent proportionné aux revenus des terrains.

"Presque tout l'Empire Turc se composait de ces fiefs, sur lesquels le concessionnaire n'avait pas de droit de propriété véritable, mais simplement un droit de jouissance avec faculté d'en céder une partie à des cultivateurs moyennant une rétribution annuelle . . .

"D'un autre côté, ils avaient le droit de percevoir sur les habitants du fief tous les impôts religieux et civils dont étaient grevées les terres qu'ils possédaient. Ils exerçaient aussi une sorte de juridiction sur les raïas, c'est-à-dire, colons, soit Chrétiens, soit Musulmans, auxquels ils accordaient des terres pour les cultiver.

"Quant aux raïas qui cultivaient les terres concédées par les feudataires, ils se trouvaient presque dans la condition de serfs vis-à-vis de ces derniers. Ils ne pouvaient quitter la terre et ils employaient leur travail au bénéfice des feudataires, sous peine de perdre la terre s'ils ne la cultivaient pas, et, dans ce cas, elle était concédée à d'autres. Ils ne pouvaient ni la vendre, ni l'hypothéquer, ni la mettre en Vakf. Ils en avaient tout simplement l'usufruit, sans avoir même la faculté de la transmettre par héritage . . . . Les paysans, dans l'impossibilité de compter sur la durée de l'usufruit, ne s'affectionnaient pas à leur terre. Ils n'exécutaient pas de travaux durables et se contentaient de la récolte annuelle. . . . Ce fut, en effet, pour y remédier que le Sultan promulgua l'Ordonnance Impériale de 1858 (1274). Il voulut rendre ainsi beaucoup plus stable entre les mains des cultivateurs la possession et la jouissance des terres 'Mirrié' ou de l'Etat, et l'on peut même dire qu'il voulut les mettre dans la jouissance pleine et entière des cultivateurs.

"Voici en abrégé les principales dispositions de cette Ordonnance. Elles abolissent les fiefs, c'est-à-dire, les 'Ziamet' et 'Timar.' Les possesseurs des terres 'Mirrié' se trouvaient par ce fait en rapport direct avec le Gouvernement. . . . .

"Les terres qui revenaient ensuite à l'Etat, pour une raison ou pour une autre, étaient concédées par ce dernier à des cultivateurs, moyennant une somme à titre d'investiture, et on leur donnait un titre de possession appelé 'Tapou.'

"Une fois le terrain obtenu, le concessionnaire peut le cultiver à son gré, mais il ne doit pas le laisser inculte plus de trois ans, sous peine de le perdre et de le voir céder à d'autres. . . . .

"Le concessionnaire des terres . . . peut les vendre et même les donner. . . . A la mort du concessionnaire, les terres . . . passent à ses héritiers légitimes. . . . La possession paisible par un laps de temps de dix années est reconnue comme titre suffisant à la jouissance des terres 'Mirrié,' c'est-à-dire, que l'Ordonnance admet la prescription acquisitive pour les dits terrains. . . . .

"On voit quel progrès énorme cette loi a fait faire au droit de jouissance des terrains de l'Etat dans l'Empire Ottoman; car, une fois les fiefs abolis, le possesseur des terres en devenait presque le vrai propriétaire. . . . . On pourrait comparer ce droit à l'emphytéose du droit Romain, c'est-à-dire, à l'*ager vectigalis*, avec l'avantage de ne payer qu'une seule fois une taxe comme prix de concession, et non une redevance annuelle."

Vide also Belin, "Propriété en Pays Mussulman," chap. xi, p. 180.

(Signed) R. A. C[illegible]ALYELL.

Rustchuk, January 18, 1870.

APPENDIX.

The following is a specimen half of Register[illegible]

Bound books, containing each 200 leav[illegible]stricts.
When tapu is [illegible]lied for, district-authe[illegible] particulars[illegible] A and B.
"B" is torn off and giv[illegible] to purchasers as [illegible]nal Tit[illegible]l Title "C")
When book is exhausted it is [illegible]turned to Ru[illegible]
filled up as marked in red ink.
It is then sent to Constantinople to be s[illegible]pe[illegible]
And finally delivered to purchaser against Pro[illegible]

(A.)

(Translation.)

No. of Tapu. No. in Register

Sandjak.
Kaza.
Chef-lieu.
Village.
Locality.
Boundaries.
Extent.
Whether Arable, &c.
Whether Tapu of Sale, Succession, &c.
Purchaser.
Explanatory of reason of Tapu. { Whether Land to be Sold passing from Father to Children, &c.
If Waste Land.
Price ceded at.
Ordinarily valued at.
Usual Duty, 5 per cent.
Clerk's Fees, 1 piastre; price of Paper, 3 piastres.
Inserted when Sale is made from one villager to another without valuation.
Ditto when valuation is made.

(Date.)

(Seals of Authorities.)

(B.)

(Translation.)

Defteri Haccani.

No. of Tapu. No. in Register.

Nature of Property (whether Government Land).

Receipt given for Ground in Vilayet of Danube.

Sandjak.
Kaza.
Chef-lieu.
Village.
Locality.
Boundaries.
Extent.
Whether Arable, &c.
Whether Tapu of Sale, Succession, &c.
Purchaser.
Explanatory of reason of Tapu. { Whether Land to be Sold passing from Father to Children, &c.
If Waste Land.
Price ceded at.
Ordinarily valued at.
Usual Duty, 5 per cent.
Clerk's Fees, 1 piastre; price of Paper, 3 piastres.
Inserted when Sale is made from one villager to another without valuation.
Ditto when valuation is made.

Stating that this Paper is given as provisional title till formal Tapu is delivered.

(Signatures of Local Authorities.)

(C.)

(Translation.)

The motive of this Imperial receipt is, that being enregistered at the office of the Deftori Hakkani, of the Vilayet of the Danube, in the Sardjak of Rustchuck, in the Kaza of Rasgrad, village of Kadi, locality of Besh-tefula, bounded by the fields of, &c., about 3 ; 75 piastres value, a piece of arable, the named Keerabet Oglon having been certified as undisputed possessor, this tapu has been given to him as proof of his right, he to pay 5 per cent. duty for his tapu, and each year 10 per cent. tithe to the authority, and so shall have the right to sow and reap.

No. of Register. No. of Tapu.

No. 17.

Consul Stuart to the Earl of Clarendon.—(Received January 24.)

My Lord, *Janina, January* 13, 1870.

ACTI[illegible]uthority from Her Majesty's Embassy at Constantinople, I have the honour to tra[illegible]t to your Lordship, a Report on the laws and customs affecting the Tenure of L[illegible]is country, and also replies to the queries on that subject, contained in the Inclos[illegible] your Lordship's Circular of the 26th of August last.

I have, &c.

(Signed) R. STUART.

[illegible] in No. 17.

[illegible] *respecting Ten[illegible] of Land in Epirus.*

[illegible]*uation.*—

[illegible]thodox Chri[illegible]	221,000
[illegible]ssulmans	133,000
[illegible]ws	3,000
	357,000

Industrial Pursuits.—Agriculture chiefly; pastoral occupations; some manufacture of coarse woollen and cotton cloths, and a few of the useful arts.

Preliminary Observations.

Epirus, by voluntary submission, became subject to the Ottoman power in 1431; and it was included in the system of land organisation instituted by Suleiman the Great in 1530. A brief sketch of that system is here necessary in order to a clear understanding of some of the regulations and conditions of land tenure still subsisting in this country.

In the 14th century, Murad I established the feudal system in his dominions, providing that fiefs should be hereditary in the male line, failing which they should revert to the State. A major fief ("ziamet") might comprise several minor ones ("timars"), but could not by any sub-division be disintegrated. These conditions were confirmed by Suleiman, especially the last, which he rigorously enjoined by a new decree. It is still in force, as are also the following, which he originated, with some unimportant variations A "timar" might be conferred by the provisional Governor without reference to the Porte; a "ziamet" could be held only by Imperial warrant.

The different Tenures of Land created by this Sultan, were as follows:—

1. Decimal lands, the lands which after conquest became the absolute property of the Musulman conquerors, who received from the cultivators a dime of the annual produce. They were also called "mulk," under which denomination were comprised those lands which were left in possession of the owners on their becoming Musulmans. These were likewise subject to a dime payable to the State.

2. Tributary lands, which were the lands left to non-Musulman possessors, subject to the tribute called "kharadj." The "kharadj" was a double tax, consisting of a capitation tax, and of a tax either upon the land or upon the produce.

3. Domains, these were the fiefs ("ziamet" and "timar") granted for life in reward for military services. They were cultivated by Christians, and, besides the "kharadj," were subject to a heavy payment to the feudatory.

The second and third classes did not at first pay the dime, which, being in its origin of a somewhat religious character, could not be imposed on Infidels.

As Epirus became part of the Ottoman Empire by submission, its lands remained for some time in the second category. The country had not been overrun by Moslem troops, and could not therefore be appropriated or claimed by military settlers. By degrees, however, the fertile maritime plains attracted attention, and Musulmen adventurers, in increasing numbers, found means or pretexts for establishing themselves in some of the most desirable parts. The Christian proprietors were thus seriously menaced in their rights, and they would possibly in time have been wholly displaced, if they had not conjured the danger as it approached by professing the Musulman faith. Those who themselves were deterred by qualms of conscience from such a step, imposed the duty on a son or a relative to whom the estate was made over. By this means not only was the proprietor secured in possession, but his estate was relieved from "kharadj" which was levied only on Rayahs, and thus from tributary passed into the category of "mulk." In course of time those nominal proprietors, by exchanging or affecting to exchange, a simulated for a real belief became very stanch and zealous Musulmans, and were thus enabled absolutely to appropriate the lands, to the utter exclusion of their Christian kindred. It was in this way that nearly all the Albanian chiefs, who [illegible]e once so powerful in this country, became Musulman Beys and the hereditary [illegible]ssors of vast estates; nearly all the coast plains and low lands belonged to t[illegible]were peopled with their clans, who never hesitated in religious matters to fo[illegible]ading of their masters.

This process of conversion did not wholly ce[illegible]rs of the last century, when the country underwent another vi[illegible] At th[illegible] Aali Pasha Tepelenla was working his way to power in [illegible]e of the means which he successfully adopted, was to wage almost indis[illegible]ainst the landed proprietors, whose lands he [illegible] destroying the title-dee[illegible] could fi[illegible]l them. After his death, which took place in [illegible]822, all his poss[illegible]re confis[illegible] the Crown, including, of course, the lands he [illegible]d usurped. [illegible]ietors as had managed to save their titles were reinsta[illegible]; but a[illegible]tively few, it came to pass that much of the freehold pro[illegible]ty [illegible]ped be[illegible]tate. Most of the major fiefs were involved in this chang[illegible]s wholly [illegible] they had been spared by Aali Pasha. But in 1846, the syst[illegible]iated by t[illegible]hed, compensation was granted to the holders, and the lands [illegible]tate.

In the same year, and at different subsequent date[illegible]d modifica[illegible] were

here introduced into the conditions of Land Tenure; but the impress of the original system still remains in strong relief, as will appear from the following observations.

Landed property in Epirus is at present of four kinds, viz.:—

1. Imlak (Miri), or brown lands.
2. Vakoof, or Church-lands.
3. Muawzil, or Crown-lands, let, on payment of a fine, at a reduced rent.
4. Mulk, or Freehold-lands.

The following remarks apply in common to the four kinds:—

The lands are marked out into divisions of very unequal extent, which, for want of a better name, may be called "estates." The boundaries of these divisions are known, but not their areas, because the art of land mensuration has not yet, except on a small scale, been introduced into this country. The extent of an estate, however, is roughly estimated by the number of "bastinas" it may contain. Bastina, a Slavic word, meaning "heritage," denotes the quantity of ground which can be cultivated by a working farmer (zeoghité) with a yoke of oxen (zeogain). This quantity is necessarily indeterminate, as it must vary with the quality of the soil and the contour of the land, and even with the industry of the farmer and the number of hands at his disposal. There are bastinas of 30 acres, of 7 or 8, and of every intermediate area; and estates range from 5 to 150 bastinas.

In the thinly-populated districts there are often unoccupied lands on an estate, which, for the time being, are almost valueless to the owner; consequently, whatever the extent of an estate, its letting, and in no slight measure its selling, value is regulated by the number of bastinas or farms in occupation upon it. In other words, by the number of its villagers, heads of families—for every estate has its village, which may be more or less scattered; so that "estate" and "village" are here synonymous terms, and are commonly expressed by the same word, "khorion," while "khorikos" means a villager or working farmer.

The population of this country is not more than, perhaps, a fourth of what the soil could support. It is still on the decline; so that available hands are as much considered as acres in all contracts about lands.

In this country estates are never cultivated by the owners on their own account. They are, as it were, consigned to the villagers who hold such a farm, and pay annually in lieu of rent a third of the grain, a fourth of the vine produce, after deducting the Government share. This payment in lieu of rent is in kind, and is here called "imeron," from the Greek word, "gheomeron."

Estates of all kinds may be let. The maximum term is fixed by law at five years; and the lessee, here called "subastri," from "sahibbastri," head master, acquires by his contract no other right over the land than to receive the usual rent in kind; he is, in fact, nothing more than the purchaser of the imeron for a specified number of years. He cannot interfere with the cultivators, or the mode of cultivation: and if dissatisfied with either, he can obtain redress only by applying to the lessor. He gets his right for a money consideration, and it may be sold or assigned over and over again without limitation, the transfer being each time registered in the proper office.

The first charge upon the produce of all lands is the Government share. No lands are now excepted, for in 1867 the vakoof was taken in, which, until then, had always been exem[illegible]rom every secular burden. The share is levied on the gross produce; and in the same [illegible]1867, it was raised from a tenth, its immemorial proportion, to 15 per cent.; in th[illegible] year it was reduced to 12½, at which figure it now stands.

As the d[illegible]he Government share is still called, has much to do with both Government and [illegible]landed interests, some remarks upon its working and results may not here be o[illegible]

I need [illegible]blished principle that the dime, especially when levied on the gross prod[illegible]air impost, of unequal pressure, increasing in proportion to the profits in[illegible]o the goodness of the soil and the facility of cultivation. These truths [illegible]been practically recognized here. On the contrary, th[illegible]ment seen[illegible] more than ever [illegible] the system; and all its defects are a[illegible] which it is carr[illegible] out. That mode is as follows. In the spri[illegible] of the [illegible]ing harvest is sold by auction to the highe[illegible] ma[illegible]e put up in one lot, or parcelled out, at the disc[illegible]on of the [illegible] generally happens, the lots are large, the first busi[illegible] of the suc[illegible]r is, to sub-let his contract in sub-divisions, which proce[illegible]s at times [illegible]cated, that there is a series of five or six middlemen betwe[illegible] the Govern[illegible]ver and the farmer, each making a profit out of his spec[illegible]n. From either that the Government largely undersells the

dime, or that the cultivator is taxed in more than a tenth. Of these two propositions one must be—both, in fact, are—true.

That abuses should not follow from such a system, is to suppose a very high standard of public and private morality. This question deserves a little consideration. In the first place, the Government is presumed to sell the dime to the best advantage; the purchaser, on the other hand, must be indemnified for the employment of his capital or credit, of his time and labour; and, as money bears high interest in Turkey, it is natural to suppose that the profits which he aims at bear a fair proportion to those of other investments. That they do so may be inferred from the fact that tithe-farming is in great favour with capitalists in Turkey. But, in order more fully to insure this result, the Government is compelled in its own interests to arm the contractor with greater powers of law and authority. By virtue of these powers, from the moment that his contract is sealed, he becomes absolute master of all the agricultural operations in the district over which his contract extends. He is not only partner in the crop, but he is the managing partner. He fixes the time for reaping, carrying, threshing, and selling the corn—nothing can be done without his leave; and, as to reaping, that leave is often withheld until a great part of the corn is shed from over ripeness, or consumed by birds. It will thus be seen that, during several months of every year, the villager is little better than the serf of the tithe-farmer. Helpless to contend openly with one who has all the advantages of power on his side, he has recourse to the usual weapons of the weak—to fraud and deceit—which he believes to be justifiable in the hard circumstances of his case; but even these avail him little, and the demoralising contest is sure to end in his defeat.

The system, then, of tithe-farming, as carried out here, must interdict all improvement, and being, as it would appear, inseparable in its parts, it admits of no modification. Such being the case, nothing short of its total abolition can prepare the way for ameliorating the agricultural condition of the country.

I cannot better conclude the observations on this head than with the following extract from the Khatti-Sheriff of Gulkhané, proclaimed in Constantinople, November 3, 1839. On the subject of farming the revenues, it said: "By this system the civil and financial administration of a district is handed over to the control of a single man, that is to say, sometimes to the iron hand of the most violent and avaricious passions; for if the farmer is not a good man, he will think of nothing but his own advantage."

Such are the conditions common to every kind of landed property in this country. I now proceed to notice those which are peculiar to each.

Imlak or Crown Lands.—These lands are managed by the District Council (Temizi-Hukuk), under the control of a Government Inspector (Imlak-Naziri). Each estate is let by public auction, that is, the "imeron" or share of the produce paid by the cultivators of the estate, is framed on the same principle as the dime. The letting used to be annual, but by a new regulation, issued in 1864, it was made quinquennial. The payment by the lessee must be made in equal instalments of money, at the end of every four months, for the punctual discharge of which obligation he must give good securities. If the villagers on the estate are bidders for the "imeron," it is provided that a preference, even at some loss to the public chest, be awarded to them. In such case they must find securities, and must, furthermore, bind themselves, each and all for every other, in a joint "solidarité," by which means they are reciprocally engaged that no one of this number shall neglect or abandon his farm. If in the course of a lease held by an[illegible]r, they offer to purchase the estate, and the offer is accepted, the term of the lease [illegible]t down from five to three years. This privilege is not conceded to any other [illegible]or purchasers.

To the successful bidder a warrant, called "zapt," is giv[illegible]out charge by the Council, which is his authority for claiming the "imer[illegible]nsfer of the "zapt" carries with it that of the "imeron;" and each tra[illegible] face of that document by the Council, and duly registered.

"Imlak" estates may be sold, but alwa[illegible]one witho[illegible]harge. mode of pro[illegible]ding is, with little variation, [illegible]ssion of the Crown. The Suleiman the Great for the granting of "zia[illegible] was prescribed in 1530 by The intending purchaser make[illegible] his application t[illegible] major fiefs. It is as follows:— to the Porte; if accepted, a firman is sent bac[illegible] forwards it proposed sale; this he finishes, receives th[illegible]mone[illegible]horizing the The firman he deposits in the local archives. [illegible] duplicate. receipt to the "Dafter-khoné," or Archive Office, in Co[illegible] of the a "berat," or letter warrant, which is his title-deed to t[illegible] whence he [illegible]ceives fee to pay at any stage of this transaction, the dealing b[illegible]The purchaser [illegible]as no [illegible]he Crown.

"*Vakoof," or Church Lands.*—"Vakoof" is Church real estate, both Christian and Mussulman. Christian "vakoof" lands are almost exclusively those attached to the monasteries, and they are managed by the respective Hegumeni, who are accountable for the proceeds to a Board of Trustees under the presidency of the Local Diocesan.

Musulman "vakoof" is of three kinds, viz.—

1. "vakoof" proper, which consists of lands and every other description of property granted for the maintenance of mosques and the services of religion.

2. Public "vakoof," real estate, the proceeds of which are applied to the foundation and support of public schools, hospitals, baths, poor-houses, fountains, &c., all under the charge of the Ulemah, and severally attached in the grants to special mosques.

3. Custom "vakoof" ("aadeti-vakoof"), or real estate placed under the ægis of the Church by first selling it to the Ulemah at a nominal price, and then holding it from them at a nominal rent. This transfer is not merely fictitious, it places the estate out of reach of the secular law and of all civil process; and though the estate may subsequently be sold, let, or assigned, its condition remains unchanged; and on the death of the owner without lawful issue, it becomes *bonâ fide* "vakoof" proper.

All Musulman "vakoof" is managed by a Committee of the provincial Ulemah, under the superintendence of an officer ("Vakoof-naziri") deputed from the Central Committee of the Ulemah in Constantinople. The "imeron" of the estates is farmed by private contract for terms varying one to five years. The lessee may be an individual or the collective villagers, who, as in the case of "imlak," have both to find and become security.

"Vakoof" lands, either Christian or Musulman, cannot be sold, as they are inalienable.

"*Muanzil.*"—All Crown lands, which, by virtue of a firman issued in 1845, are let, on payment of a fine, at a reduced rent. The tenure of these lands is hereditary in direct descent; but on the death of the owner without lawful issue, they revert to the Crown. The interest in them is assignable. There is no fixed proportion between the fine and the selling value of the land, the terms of every contract of the kind being the subject of special agreement. It would appear that the terms are in general advantageous, for tenure by "muanzil" is in much request.

To obtain "muanzil," a written application, offering terms, must be made to the local authority, which transmits a copy of it to the Porte; if granted, and the terms are accepted, an authority, founded on the firman issued in 1845, is sent back to the Provincial Governor, who directs the transfer to be proceeded with, receives the fine, and gives a receipt. A duplicate of this receipt is sent to the Defter-Khoné in Constantinople, whence is issued a "berat," or letter-warrant of the required tenor, which, transmitted through the Provincial Governor, gives possession of the estate. The yearly rent is paid in money; and the holder has the right, on payment down at any time of twelve years' rent, to get his title changed from "muanzil" to "mulk," or freehold. As in the case of "imlak" sales, no fee is charged in the course of "muanzil" transactions, because they are with the Crown.

Mulk.—"Mulk" are freehold estates belonging either to single owners,—when they are called "chiftlik," from "chift," the Persian for a yoke of oxen,—or to the villagers collectively, when they are called "Eleotherokhoria," free estates. As these latter constitute a large proportion of the landed property of the country, it will be well before proceeding further, to point out their distinctive character. They are, as has been said, freehold estates, and they belong each to its own body of villagers, who, to acquire possession in the first instance, collectively incurred all the responsibilities, collectively went through all the process required by law, and obtained a "berat," conveying the estate to them as a corporate body. And yet they do not hold in co-partnership; but each member of the body has a distinct and separate share, over which he has an independent, alienable right; and in proportion to the value of which he contributed when became responsible for his share of the purchase-money, and likewise contributes to all the dues to which the estate is liable. All this, however, is a matter of internal arrangement, settled by the villagers among themselves; for the Government, —adhering to the principle laid down by Murad I, and confirmed by Suleiman the Great, that large grants should not be disintegrated,—knows only the estate, which it regards as the unit with respect to taxation and all other State dues. Internal subdivision of the estate is, however, recognised by provincial jurisdiction; and, as it cannot clash with imperial regulations, it is respected by the law, and is valid to all intents and purposes. Such being the case, the villagers, when they have bought an estate, take out, each for himself, a "tapi," or provincial title, for his holding, paying a fee of 5 per cent. on the ascertained value of the property. This "tapi" is to the farm

what the "berat" is to the estate; on every transfer to the farm it must be cancelled, which is done by an entry on its foil leaf in the register kept in the "tapi" office, and a new one, subject to the same fee as the old, made out for the incoming possessor, who takes over the property with all its responsibilities.

The way in which the possession of a "chiftlik" is originally acquired has already been described. When the proprietor lets the "imeron," the agreement must be in writing, otherwise it is not recognised by the law; and it must be drawn up on stamped paper in the "beldeah," the office appointed for such acts. Here it is registered, and a fee is charged of only 5 piastres (11*d.*), if the lands have been surveyed by the "Cadustre" commission; if they have not, of $2\frac{1}{2}$ per cent. on the total of the payments specified in the agreement. It must be settled between the parties which is to pay the fee, for the law does not say.

The conveyance of "mulk" is effected as follows:—The parties in the transaction appear before the local council, where the owner produces his "berat;" this being verified, the transfer is registered in the books of the council, and a note of it entered on the face of the "berat," which is then handed to the new possessor, who pays a fee of 5 per cent. on the value of this estate. He thus acquires provincial right of property, but not general. To obtain this, he has to transmit the old "berat" to the "Defter-koné," in Constantinople, where it is cancelled, and a new one is made out, on receipt of which he becomes absolute owner of the estate.

Such, in a general way, are the conditions and incidents of landed property in this country. It will be perceived that "chiftliks" and "bastinas" correspond in measure to the "ziamets" and "timars" of the early Ottoman institutions, and are subject, in some important respects, to the same laws and conditions. The "vakouf" laws acquired force and precision in proportion as the "Ulemah" grew into a recognised estate of the realm. "Muanzil" is a tenure of recent creation.

The returns of Imlak, Muanzil, and Mulk, may approximately be stated as follows:

	Imlak.	Muanzil.	Mulk.		Total.
			Chiftlik.	Eleoteerokhoria.	
Estates	230	95	585	665	1,575
Farms	7,500	3,000	13,000	34,000	57,500

Of the "vakouf" estates it is not easy to obtain returns. The Musulman "vakouf" consists chiefly of buildings of different kinds. Its landed estates are few, and are all, or nearly all, of the 3rd class, or Custom "vakoof." Of Christian "vakoof" there are 93 estates, corresponding to the number of monasteries in the province. The number of farms they contain it would be difficult to learn; but collectively the estates yield about 15,000*l.* a-year.

(A.)—Small Proprietors.

1. Small proprietors in this country are the owners of single farms, sometimes of two or three. The farms vary in extent, from 7 or 8 to 30 acres, and [illegible] almost always intersected by other properties.

2. Landed property, on the death of the owner, is equall[illegible] among the sons and daughters of the deceased, the issue of a deceased son [illegible]ter succeeding to what would have been the share of their parent. For each [illegible]tance a new title (tapi) must be taken out, for which a charge is made [illegible]ing value of the property.

Formerly landed property, on the dea[illegible] without issue, reverted to the Crown, t[illegible]tion of purchasing it at a re[illegible]g conceded to the nearest of kin. The law to th[illegible] effect was repealed [illegible]d firman was issued, according to which the nearest of kin inh[illegible] it in the following [illegible]—

1st degree, father and moth[illegible]
2nd degree, brothers and sisters;
3rd degree, nephews and nieces;
4th degree, widow.

If the widow does not succeed she is entitled to a [illegible]re of one-fourth of the income yielded by the estate. A legacy-duty is charged of 4 per cent. on the value of the inheritance.

1. The method used has already been described when [illegible]aking of "mulk" [illegible]s; that

is, the parties appear before the District Council (Temizi-Hukuk), the owner produces his "tapi,' which, being verified, a note of the intended transaction is made upon it by order of the Council; it is then transmitted to the District Tapi Office where it is cancelled, a new one is made out, and both are handed to the transferee who pays a fee of 5 per cent. on the value of the property. In the case of division the proceeding is the same, the old "tapi" is cancelled, and for each part of the property a special one is given on payment of the same *ad valorem* fee.

4. There are no such facilities.

5. They are often mortgaged, but rarely, however, for more than half their selling value, as more will not be advanced upon them. The usual rate of interest is 12 per cent., which is the maximum allowed by law.

6. The mortgage must be registered at the Tapi Office, which charges a fee of $2\frac{1}{2}$ per cent. on the amount of the loan; and no mortgage is valid which is not so registered. The repayment of the loan must likewise be registered at the same office, but without fee.

7. The principal crops raised here are, Indian corn, rye, wheat, barley, oats, and millet. Tobacco, flax, and cotton are grown in small quantities. The most usual rotation is—first year, Indian corn; second year, rye or wheat, or barley, or oats, or millet, according to the nature of the soil; third year, fallow, that is, if the farmer can spare the land; if not, he must do the best he can, using manure, and varying the crops as much as his means or the land will permit. For of rotation there is always more or less, and the system is voluntarily adopted by the farmers, who know from experience its advantages.

The general mode of cultivation is of the most primitive and simple kind, little, if at all, changed from what it is known to have been 2,500 years ago.

For the raising and pasture of stock there is always a tract of mountain land attached to each estate, which the villagers have the right to use in common without payment. A tenant cannot appropriate any part of his farm to pasture, as the landlord is not entitled to any direct profit from stock. It is true that he, or whoever takes the "imeron," yearly receives from the tenants a present of one lamb out of every fifty born on the estate. This present is called "arniatika," and may be a sort of payment or thank-offering for the use of the pastures, though some think it a remnant of the feudal times. Be that as it may, it is always most scrupulously proffered, though, if withheld, means could be found of enforcing it.

In winter the stock on small properties are often housed and fed on straw or hay, helped out at times, for sheep and goats, with oak leaves and wild acorns.

It would be exceedingly difficult to arrive at the proportion between tillage and grass lands in this country. Meadow lands are generally let for pasture in the late summer and early autumn. In the coast districts extensive grazing lands are reserved as well for horned cattle and young horses as for the large flocks which, at the approach of winter, descend from the mountains and in different parts of the province; there are wide tracts of waste land equally applicable to tillage and pasture.

The same, or even greater, difficulties prevail with respect to lands occupied by woods and forests. Those lands are very extensive in the mountain districts; but though great numbers of trees are every year cut down for timber, firewood, and charcoal, and the woods and forests are sensibly diminishing, the cleared ground is not brought under tillage, because there is already more arable land in the country than the population can cultivate.

8. Machinery is not at all employed here on farms.

Hired labourers are seldom employed, as the tenants themselves and their families generally do all the work. Whenever they are, those who live with their employers receive from 500 to 600 piastres, say about *5l.* a year, with shoes. A male day labourer gets from 4 to 5 piastres (*9d.* to [illegible] a female from 2 to 3 piastres (*5d.* to *7d.*), both with food.

Nearly all the lighter farm [illegible] good deal of the heavy, is done by women.

9. There are here two classes of [illegible]all proprietors—the one consisting of men of business, or others who, as an investment, buy a farm, of [illegible] may be several, over the heads of the cultivators, whom they observe, they rarely, if ever, disturb. These never live on their properties. The other is composed of cultivators who have become the owners of their farms. These always live either on their properties, or in the village of the estate of which their properties form a part.

10. The villager who owns a farm must have borrowed the money with which the ownership was acquired. It always takes some years, often 8 or 10, of hard work and close pinching to repay this money; and sometimes the most strenuous efforts fail, and

the property has to be re-sold. Supposing that it does not come to this, but that the villager steadily gains on his difficulties; the man now toils with the energy inspired by necessity and the prospect of becoming a proprietor—for the love of land is not less strong here than in other countries; the soil improves under the pains he takes to render it more productive; every inch of it is turned to account; and the evils of waste and neglect disappear from his farm. As yet, however, his personal or domestic condition is little changed for the better, because every farthing he can spare must go to clearing off his debt. This once effected, he is master of his own profits, which are sometimes considerable if the farm is within easy distance of a town. He improves his house, wears better clothes, and as to his diet, it is enough perhaps to say there is a butcher's shop in many of the "eleotherokhoria"—a thing almost unknown on estates of other kinds. I may add, that many of these small proprietors save money, give good portions to their daughters, and establish their sons respectably in life. Compared with any other class of working farmer, they are altogether superior in their standard of living and general circumstances.

11. Here, as has already been said, there is no admeasurement of land, except on a small scale, as for building ground, market-gardens, and such like; and there are no rural statistics that can be relied upon. It would, consequently, be next to impossible to strike an average of population per acre, or work out the rate of increase among the small proprietors, either abstract or comparative. It may, however, be stated that the population does increase on those small properties that are free from incumbrance.

12. There is no outspoken public opinion in this country: Mutual diffidence checks the expression of thought; and the divisions of classes and interest are too broad to admit of a community of views. Besides, traditional custom is here of paramount force, and is respected to such a degree as to repress discussion an any usage sanctioned by it.

(B.)—Tenants and Sub-Tenants under Landlords.

Tenure.

1. From 7 or 8 to 30 acres, or so.

2. The tenure is wholly permissive, the duration uncertain; the tenant holds, in succession perhaps to his ancestors, from year to year, without any agreement, written or verbal; so that he is, in the strictest sense of the word, a tenant at will. On the other hand, traditional custom, strengthened by the concurrent interests of the landlord, inspires the belief, I might say, the assurance, that he will not be disturbed in the possession of his holding, so that, practically, he considers himself in the enjoyment of fixity of tenure. Sub-tenancies are not assignable; but a tenant may, with the voluntary consent of his landlord, make over his farm to another, in which case his connection with it totally ceases.

3. The tenancy is, in the first instance, created by the permission or invitation of the landlord, given to a peasant to settle on the estate on the usual condition of paying the "imeron;" there is no agreement, parol or written; and the law declares or presumes nothing as to duration of tenancy.

The peasant, acting on the permission or invitation given to him, goes on the land, selects an eligible plot ("khorafi"), in some unoccupied part, incloses and fences it, builds offices, and a house which may be either on the plot or in the estate village; all this at his own expense. He thus creates a "bastina," or farm. In addition to the plot originally selected, he may afterwards take up other strips and outlying patches of unoccupied land, which may be more or less [illegible] apart from the "khorafi" and each other. These he also fences and incloses, and [illegible]aken possession of with the sanction of the landlord, they thenceforth constitute an integral part of his farm. As, owing to the sparseness of the population, there is gener[illegible] difficulty in multiplying tenancies, it is obviously the interest of landlords to encour[illegible]tension of farms, as land, while unoccupied, is of no value. On the other hand, by reason of the scarcity of hands, and the expense of hired labour, farmers, as a rule, are cautious in taking up more land than they themselves and their families can cultivate.

4. As there is no written agreement, there can be no system by which it may be registered.

5. None.

6. There is no law or custom which gives such a right; but a tenant is sometimes allowed by his landlord to sell his interest in his farm, or rather his occupancy of it; on

the understood condition, however, that the purchaser acquires no right in the farm but that of yearly tenant at will.

Rent.

1. By share of the produce.

2. The share of the produce given in lieu of rent is fixed by custom. The relations between landlord and tenant do not seem to come at all under the cognizance of Courts of Law. The "imeron" is paid yearly, and there is never a hanging gale.

3. The landlord cannot increase the "imeron"—that is, the share of the produce given in lieu of rent. He has unlimited and irresponsible power of eviction, with or without cause.

4. As the law does not interfere between landlord and tenant, no legal procedure can be resorted to by either against the other; consequently, the law does not confer upon the landlord any exceptional privilege over other creditors.

Evictions.

1. The landlord can evict a tenant by a simple order to quit, and need not have recourse to any legal means of procedure, indeed cannot have, for the reason given in the preceding answer. He may, if he likes, give notice and serve time; but he is not bound by law to do so. The tenant has no legal mode of resisting such eviction. Here there can be no such thing as non-payment of rent, for the harvest cannot be cut or gathered without leave, and when it is collected, a receiver is present to take, as a matter of course, the landlord's share.

2. They are not. No particular cause can be assigned, as a rule, for those that take place.

Improvements.

1. All farm improvements, including buildings, are executed by the tenant. Works that benefit the estate generally—such, for instance, as a water-course, are executed by the landlord.

2. Under none whatever.

3. He has, with the exception of any vines the tenant may have planted. For these he is entitled by law to compensation.

4. The vines are appraised by some of the other tenants, and the compensation is always paid without difficulty.

5. None.

Miscellaneous.

1. The relations between landlord and tenant are in general to all appearance healthy. When they meet, which in many cases is not often, the landlord is gracious and condescending in manner; the tenants, in Eastern fashion, are profuse in demonstrations of respect. Without a conscientious executive, I do not think that the tenant would be benefited by any legislative interference in his behalf; for though in theory and in fact, as cultivator of the soil, he has no legal rights or but very few, he is rarely made to feel that such is the case; and whatever he may think of his condition, there is nothing, I am inclined to believe, that he would dread more than legislative interference in his concerns.

2. The mode of cultivation is the same as that of small proprietors; but, as a rule, it is more careless, and, consequently, less profitable. In all the respects mentioned in the query, and, indeed, in all others that can be conceived, as regards moral and material condition, tenants are inferior to small proprietors. A few observations will illustrate this. The tenant never has capital; he must, therefore, borrow whatever money he may need for the year's operations. Upon this money he must pay compound interest at rates varying from 2 to 5 per cent. a month, and it is always secured on [redacted] share of the coming crops. If he cannot clear off the debt in the current year, the balance due is carried, still with compound monthly interest, to the next year's account, which may still further run on accumulating until it involves the wretched man in difficulties from which he despairs of ever escaping. Thus fettered, he becomes spiritless and demoralised; he labours feebly and without heart, feeling that he is the serf of a usurer, and that however abundant the harvest, he will get from it no more than a bare subsistence.

Such is, not uncommonly, the condition of tenants; and it is from this condition that small proprietors are generally free.

[redacted]

3. The population among tenants is decreasing, while that of small proprietors, who are free from incumbrance, increases; but in what ratios cannot, in the absence of statistics, be stated.

4. Neither the tenants themselves nor their children emigrate.

5. There is no public opinion here.

6. Never.

7. *Vide* preceding answer.

8. The idea of legislative limitation of proprietary rights has never perhaps occurred to the public mind here.

9. The Government sells Crown estates when good prices are offered, and professes to give a preference in the sale to the villagers. I know of no other steps it may have taken to increase the number of owners or freeholders.

10. The only assistance which tenants receive in their endeavours to become proprietors is, that if their offer for a Crown estate is approved of at a time when the estate is under lease for the "imeron," the lease is cut down from five to three years. Their general wish is to become proprietors; and that wish they carry into effect whenever an opportunity offers, provided they can raise the required money.

11. By prohibiting the breaking up of estates, and setting no limit to the numbers of estates that one person might possess, they seem to favour the accumulation of land.

Copyhold.

None. The tenants, as has been stated, hold at the will of the landlord, without agreement, parol or written, according to immemorial usage. But no length of occupation nor amount of improvement, gives them any right to the land, of which law or authority takes cognizance. Consequently they have nothing out of which a tenure resembling the copyhold of England could grow.

(Signed) R. STUART.

Janina, January 12, 1870.

No. 18.

Mr. Odo Russell to the Earl of Clarendon.—(Received February 11.)

My Lord, *Rome, January* 30, 1870.

WITH reference to your Lordship's Circular of the 25th August, 1869, respecting Tenure of Land in the Roman States, I have the honour to inclose herewith a memorandum on that subject, drawn up by Mr. Alessandro Franz, the Secretary of Her Majesty's Consul in Rome.

I have, &c.

(Signed) ODO RUSSELL.

Inclosure 5 in No. 18.

Report by Mr. Franz on the Tenure of Land in the Roman States.

THE country respecting which I shall endeavour to present some information, deriving from official sources and personal knowledge, in answer to the several queries set before me, offers various systems of land settlements, and comprises both large and small properties and cultivations, the first prevailing in one portion of the territory, the second prevailing in the rest.

I deem it advisible to begin by giving a general view of the state of landed property in the Roman territory, aided by some very important Reports which have been furnished to me by the Presidenza Generale del Censo (Cadastre), containing statistic prospectuses of the value of landed property, number of proprietors, number of transfers, and general mode of cultivation.

Population; Division of Land; Number of Transfers.

On a total population of 683,464 individuals constituting 143,525 families, or 247 communes or territories, the total number of landed properties is 103,089; the extension

of possessed land is 11,656,949 tavole, equal to Roman rubbia 630,787 (2,838,541 acres), the estimated value of which is 45,687,554 scudi (9,137,510*l.*), and the number of proprietors is 93,025. The total number of transfers, under any title whatever, during the period of ten years 1855 to 1864 was 58,843, representing the estimated value of 19,174,212 scudi, that is, an average of 5,884 land possessions valued scudi 1,917,421 transferred in every year. From which it can be inferred that, if in all the properties the transfers occurred with an equal frequence, and it did not happen that for some they took place more often than for others, all the land of the Roman States would change master in 23·6 years.

The above figures must, however, undergo a great change as regards the value of land, if from the estimated value we raise them to the real value established by the sale. I learn from the said prospectuses of the Presidenza del Censo, that the total number of contracts made during the ten years 1855 to 1864 was 29,681, and the estimated value of land transferred by the same 4,533,853 scudi; while the actual value represented by these contracts was 11,100,703 scudi—that is to say, that the proportion between the estimated value and the real value of the land was for the above period of time 100 to 244·84, which proportion, if applied to the general value of landed property in the Roman State, would raise the 45,687,554 scudi estimate to 111,477,631 real (22,295,526*l.*).

If we then divide the total extension of possessed land tavole 11,656,949, representing an estimated value of 45,687,554 scudi, and a real value of 111,477,631 scudi by the total number of properties 103,089, the average of each property will result to be tavole 113·07 of the estimated value of 443·19 scudi, and the real value of 1081·37 scudi.

A Table showing the Land Estimate of the Five Provinces forming the Roman Section (Roman State).

(From a Report of the Office of the Cense, June 1869.)

Provinces.	Superficies.					Estimate as actually subject to Taxation.	Land Tax.								
	Estimated.	Not Estimated.			Total of the Superficies.		Rate of Taxation.								Amount of Tax.
		Waters.	Roads.	Total.			Highest.			Lowest.			Average.		
	Tavole.	Tavole.	Tavole.	Tavole.	Tavole.	Scudi.	Scudi.	Paoli.	Lire.	Scudi.	Paoli.	Lire.	Scudi.	Paoli.	Lire.	Scudi.
Rome and Comarço	2,122,766·81	30,782·30	14,923·54	45,705·84	2,168,472·65	13,311,605·23	1	41	28	1	17	03	1	18	68	157,994·53
	2,444,223·15	24,396·14	24,098·24	48,494·38	2,492,717·53	10,239,032·36	2	09	19	0	52	19	1	18	95	121.796·08
Civita Vecchia	968,210·21	9,340·30	6,939·24	16,279·54	984,489·75	3,549,158·16	1	66	42	1	11	39	1	26	21	44,794·09
Viterbo	2,907,072·95	38,462·03	30,768·02	69,230·05	2,976,303·00	9,153,878·95	1	72	75	0	74	12	1	22	12	111,792·85
Frosinone	1,764,580·65	13,340·85	22,393·66	35,734·51	1,800,315·16	4,918,444·41	1	86	05	0	82	61	1	19	11	58,565·33
Velletri	1,450,095·47	10,443·34	12,161·24	22,604·58	1,472,700·05	4,515,435·00	1	64	65	0	57	48	1	10	32	49,816·41
Total	11,656,949·24	126,764·96	111,283·94	238,048·90	11,894,998·14	45,687,554·11	2	09	19	0	52	19	1	19	24	544,759·29

A Tavola is equal to 1,000 Square Metres. 18 Tavole ·48 make 1 Rubbio.
A Scudo is equal to 5 Lire ·37, or 4*s*. 2*d*.

Cultivation.

The cultivation of the land in the Roman territory presents a great variety of systems, answering the special conditions made to it by the laws or the wants of local consumption, and dependent from the qualities of the earth and the productive capacity of the people. The following Table will show the various modes of cultivation which are numbered at 76, and the rotation given to tillage land. It is divided by provinces, and a careful examination of this Table will by itself suffice to give an idea of the state of productive land in this country, and the quantity and variety of agricultural produce grown in the same.

(A.)—TABLE showing the General State of Cultivation in the Roman State.

Progressive Number.	Cultivations.	Rotation.	Provinces.					
			Rome and Comaria.	Civitá Vecchia.	Viterbo.	Frosinone.	Velletri.	Total.
	Tillage lands, without trees:—		Tavole.	Tavole.	Tavole.	Tavole.	Tavole.	Tavole.
1	Corn	..	..	..	..	5,392	25,155	30,547
2	Maize and other yearly produces	..	2,660	..	159	3,208	16,883	22,910
3	Corn, hemp, or other produces	..	..	..	8,683	..	..	8,683
4	Corn and maize	Every 2 years.	..	..	7,071	11,336	1,300	19,707
5	Corn and March pulse	,, ,,	105,799	5,241	54,591	49,117	10,482	225,230
6	Maize and March pulse	,, ,,	7,958	..	..	..	334	8,292
7	Corn and pasture	,, ,,	18,853	..	274,667	15,350	2,637	311,507
8	Rye and pasture	,, ,,	..	..	4,138	..	..	4,138
9	Corn, maize, and March pulse	,, ,,	285	..	..	87,990	4,308	92,583
10	Corn in one year and March pulse in two years	Every 3 years.	27,062	..	..	78,946	32,472	138,480
11	Two years corn and one pasture	,, ,,	14,019	6,113	2,391	..	..	22,523
12	Corn, oats, and pasture	,, ,,	12,363	..	10,392	15,509	..	38,264
13	Corn, buckwheat, and pasture	,, ,,	3,839	..	..	..	..	3,839
14	Corn, March pulse, and pasture	,, ,,	37,574	..	..	27,509	49,353	114,436
15	One year corn and two pasture	,, ,,	95,117	139,693	824,963	..	..	1,059,773
16	Two years rye and one pasture	,, ,,	..	..	3,026	..	..	3,026
17	Two years corn and two pasture	Every 4 years.	335,202	90,065	22,183	3,280	36,509	487,239
18	One year corn, one oats, and two pasture	,, ,,	..	..	2,893	..	46,291	49,184
19	One year corn, one buckwheat, and two pasture	,, ,,	4,567	..	..	..	..	4,567
20	One year corn, one March pulse, and two pasture	,, ,,	6,865	..	..	..	..	6,865
21	Two years corn, one March pulse, and one pasture	,, ,,	..	..	..	..	47,879	47,879
22	Corn, maize, March pulse, and pasture	,, ,,	..	..	..	6,711	2,319	9,030
23	One year corn, two March pulse, and one pasture	,, ,,	..	..	..	8,897	17,188	26,085
24	One year corn and three pasture	,, ,,	1,034,065	129,195	67,132	..	17,159	1,247,551
25	Tillage lands, tangled with underwood, sown with corn at various rotations	..	37,118	..	100,481	..	12,034	149,633
26	Ditto ditto sown with rye	..	..	..	22,529	..	..	22,529
27	Banks	..	..	..	..	447	2,601	3,048
28	Tillage lands, specially enumerated	..	165,155	16,397	15,389	195,222	71,031	463,164
	Tillage lands, planted with olive-trees:—							
29	Corn and March pulse	Every 2 years.	18,816	659	5,179	10,450	2,689	37,793
30	Corn and pasture	,, ,,	632	18	19,781	453	188	21,072
31	Corn, March pulse, and pasture	Every 3 years.	..	..	..	507	149	656
32	Corn, maize, and March pulse	,, ,,	..	..	..	347	..	347
33	Corn, March pulse, and March pulse	,, ,,	2,332	..	..	1,726	5,509	9,567
34	Corn, pasture, and pasture	,, ,,	..	..	1,363	..	..	1,363
35	Tillage lands, specially enumerated, with olive-trees	..	11,556	16	5,485	24,208	1,711	42,976
	Tillage lands, planted with vine:—							
36	Corn and maize	Every 2 years.	..	..	..	11,659	..	11,659
37	Corn and March pulse	,, ,,	45,783	1,914	111,479	134,936	2,841	296,953
38	Maize and March pulse	,, ,,	22,033	..	..	..	..	22,033
39	Corn and pasture	,, ,,	388	..	2,382	261	..	3,031
40	Corn, March pulse, and March pulse	Every 3 years.	19,309	..	..	59,925	3,495	82,729
41	Corn, maize, and March pulse	,, ,,	..	..	..	9,445	..	9,445
42	Corn, March pulse, and pasture	,, ,,	..	..	..	505	..	505
43	Tillage lands, specially enumerated, with vines	..	29,190	..	6,463	85,894	358	121,905

Progressive Number.	Cultivations.	Rotation.	Provinces.					
			Rome and Comaria.	Civita Vecchia.	Vi	Frosinone.	Velletri.	Total.
			Tavole.	Tavole.	Tavole.	Tavole.	Tavole.	Tavole.
44	Vineyards	..	190,749	5,371	53,676	7,117	83,055	339,968
45	Tillage lands, with nut-trees, and one year corn, and two years March pulse ..	..	82	..	..	..	..	82
46	Tillage lands, specially enumerated, with nut-trees	..	10	..	..	..	..	10
	Tillage lands, with oaks :—							
47	One year corn, one year March pulse	Every 2 years.	15,25	..	..	..	..	1,525
48	One year corn and one pasture	,, ,,	..	..	8,930	..	..	8,930
49	One year corn and two pasture	3 years.	1,298	..	24,663	..	..	25,961
50	Two years corn and two pasture	Every 4 years.	920	..	..	..	..	920
51	One year corn and three pasture	,, ,,	1,755	..	1,545	..	..	3,300
52	Tillage lands, specially enumerated, with oaks.	..	644	..	..	1,455	..	2,099
53	Tillage lands, with mulberry-trees, one year corn, one year March pulse	..	..	..	..	81	..	81
54	Tillage lands, specially enumerated, with mulberry-trees	..	..	..	..	16	..	16
55	Farmers' meadows	..	879	..	5,124	..	..	6,003
56	Hiring meadows, with water	..	7,440	..	2,041	..	..	9,481
57	Hiring meadows, dry	..	175,813	28,372	44,316	25,812	15,699	290,012
58	Meadows, with olive-trees	..	112	..	..	233	3,912	4,257
59	Meadows, with vine	..	..	..	..	234	55	289
60	Meadows, with nut-trees	..	36	..	..	..	..	36
61	Meadows, with oaks	..	..	..	932	..	..	932
62	Orchards, with water	..	1,580	14	1,326	58	..	2,978
63	Orchards, dry	..	2,900	899	1,201	2,143	1,489	8,632
64	Pasture land, simple	..	925,630	194,001	249,139	383,566	318,579	2,070,915
65	Pasture land, with olive-trees	..	54,008	3,039	18,173	64,438	28,087	167,745
66	Pasture land, with vine	..	..	..	..	1,048	..	1,048
67	Pasture land, with nut-trees	..	36	..	..	..	..	36
68	Pasture land, with mulberry-trees	..	..	..	..	21	..	21
69	Fruit orchards, with apple-trees and nut-trees.	..	3,650	407	1,368	..	119	5,544
70	Chestnut orchards	..	11,988	331	38,232	2,043	9,027	61,121
71	Fruit and pine woods	..	125,287	48,059	407,618	183,927	249,754	1,014,645
72	Underwoods	..	841,218	292,956	282,283	232,038	274,944	1,923,439
73	Woods	..	43,349	2,937	65,786	8,915	10,465	131,452
74	Land, with ancient ruins	..	29,817	947	..	..	..	30,764
75	Marshy lands, and lakes, with fish	..	78,356	..	124,881	1,480	41,402	246,119
76	Sterile land	..	9,368	1,596	3,019	725	634	15,342
	Estimated surface	..	4,566,990	968,210	2,907,073	1,764,580	1,450,096	11,656,949
	Surface not estimated { Waters	..	55,178	9,340	38,462	13,341	10,443	126,764
	Surface not estimated { Roads	..	39,022	6,939	30,768	22,394	12,161	111,284
	Total surface of land	..	4,661,190	984,489	2,976,303	1,800,315	1,472,700	11,894,997
	Total surface of towns	..	14,891	549	3,527	2,132	1,035	22,134
	Total surface	..	4,676,081	985,038	2,979,830	1,802,447	1,473,735	11,917,131

The synoptic classification of the various systems of culture of the land resulting from the foregoing Table shows that the productive land is divided as follows:—

Classes.	Provinces.		Total.
	Rome, Viterbo, Civita Vecchia.	Frosinone, Velletri.	
	Tavole.	Tavole.	Tavole.
Land without trees	5,387,302	1,652,195	7,039,497
Land with industrial trees..	635,495	545,672	1,181,167
Land with natural trees	2,202,256	972,568	3,174,824
Valleys and lakes with fish	203,237	42,882	246,119
Total productive land	8,428,290	3,213,317	11,641,607

The same surface, classified as follows, presents the categories of:—

Classes.	Provinces.		Total.
	Rome, Viterbo, Civita Vecchia.	Frosinone, Velletri.	
	Tavole.	Tavole.	Tavole.
Tillage land with and without trees	3,811,738	880,714	4,692,452
Woods and forests	2,160,044	971,113	3,131,157
Grass and pasture land	1,959,366	1,224,627	3,183,993
Valleys and lakes with fish	203,237	42,882	246,119
Vineyards	249,796	90,172	339,968
Other cultivations..	44,109	3,809	47,918
The total surface comes to	8,428,290	3,213,317	11,641,607
Adding the sterile land	13,983	1,359	15,342
Total of possessed land.. ..	8,442,273	3,214,676	11,656,949

In order to show what is the proportion of the various classes of land to the whole of the territory, I also append the following Table, which is:—

AN ABSTRACT of the Table showing the general state of Cultivation.

Classes of Lands.	Surface.	Proportion by Hundredths to the whole Territory.
	Tavole.	
Productive land—		
Without trees	7,039,497	59·071
With industrial trees..	1,181,167	9·911
With natural trees	3,174,824	26·640
Valleys and lakes with fish	246,119	2·065
In all	11,641,607	97·687
Sterile land	15,342	0·129
Total of estimated land	11,656,949	97·816
Towns	22,134	0·186
	11,679,083	98·002
Land not estimated	238,048	1·998
Total of the territory	11,917,131	100·000

It has likewise been calculated that, of 100 families, 94 are possessed of some property —that is, 65 of landed property and 51 of urban property, 22 being possessed both of landed and urban property.

The Province of Rome; the Agro Romano.

What precedes affects the whole of the Roman territory without distinction of large and small possessions; but as I wish to show what are the effects of these two systems, one compared with the other, I shall give a special account of the state of landed property

in the province of Rome, which comprises the so-called "Agro Romano." This name is given to the land extending around the capital and down to the Mediterranean, whose special characteristic is the large property. In the Agro Romano, the small landed property is restricted to the vineyards and orchards surrounding Rome and the towns of its vicinity to a distance of about two miles; the rest is divided in large tenements belonging to pious institutions and to a few primogenitures. These properties are inalienable.

I shall therefore present, first, some details of the Province of Rome, and then establish a comparison between this same Province and the Province of Civita Vecchia, by far resembling one another, and the Provinces of Frosinone and Velletri, where the small property prevails. Of the Province of Rome, I shall after take in examination that part forming the Agro Romano, taking away the vineyards and orchards, and thus the actual state of large property will appear.

The extension of possessed land in the Province of Rome is 4,566,989 tavole, equal to 247,136 Roman rubbia (1,112,112 acres), divided in 44,141 properties, representing an estimated value of 20,843,329 scudi (4,168,666*l*.). The total number of transfers effected during the ten years, 1855 to 1864, was 20,186, representing an estimated value of 9,292,466 scudi. The total number of contracts of the same period was 9,942, representing an estimated value of 2,577,357 scudi, and a real value of 6,442,337 scudi, the proportion between the estimated value and the real value of landed property in the Province of Rome being 100 to 249·96, which is not much different from the proposition before stated as affecting the whole of the State, 100 to 244·84. The above proposition applied to the total value of landed property in the Province of Rome will raise the 20,843,329 scudi, estimate, to 52,099,985 scudi (10,419,997*l*.). Dividing now the extension of possessed land, and the value, both estimate and real, by the number of properties, the average of each property will result to be, in the Province of Rome, 103·5 tavole of the estimated value of 472·2 scudi, and the real value of 1,180·3 scudi.

Taking the same data for the two Provinces of Rome and Civita Vecchia, in comparison with those of Frosinone and Velletri, I infer the following remarks:—

The extent of possessed land in the two former provinces, 5,525,199 tavole, divided by the number of properties, 46,137, gives an average of 119·9 tavole for each property.

The extent of possessed land in the two latter provinces, 3,214,675 tavole, divided by the number of properties, 31,332, gives an average of 102·5 tavole for each property.

The proportion is, therefore, 116 to 100.

The estimated value of the possessed land is 23,776,193 scudi in the former, and 9,594,719 scudi in the latter—that is, an estimated value for each property of 513·1 scudi for the former, and 306·2 for the latter, and a proportion of 167 to 100.

The total number of transfers effected during the ten years, 1855 to 1864, was 21,459 for Rome and Civita Vecchia, and 18,729 for Frosinone and Villetri, and the estimated value represented by the same was, respectively, 11,423,487 scudi and 3,733,340 scudi.

The total number of contracts during the said period was, respectively, 10,629 and 10,452, and the real value of land transferred in this way 7,341,898 scudi and 1,765,657 scudi, the proportion between the estimate and the real value resulting to be 100 to 230 for Rome and Civita Vecchia, and 100 to 257 for Frosinone and Velletri.

The average of the estimated value of each property resulting to be 512.1 scudi for Rome and Civita Vecchia, and 306 2 for Frosinone and Velletri, and the average of the real value being respectively 1,180·1 and 786 scudi, the proportion will be 167 to 100 for the real value, which is by no means a great difference.

The proportion between the real value of landed property in the Provinces of Rome and Civita Vecchia and the Provinces of Frosinone and Velletri may be established by taking the average of the real value of each property 1180·1 scudi and 786 scudi, and dividing it by the average of the extension of land occupied by each property. This will give a proportion of 128 to 100.

It remains to demonstrate what is the division and value of landed property in the extension of 2,031,419 tavole, equal to 109,925 Roman rabbia (494,662 acres), which constitute the portion of the Agro Romano reserved for long tenements. The number of properties for the above surface of possessed land being 426 (this number includes the pediche, or small tracts of land detached from the principal tenements), the average of each property will be 4,768 tavole. The total estimated value of the land 10,541,918 scudi, being raised by the proportion previously established at 100 to 230, to a real value of 24,246,411 scudi (4,849,282*l*), the average of the real value of each property will be 56,916 scudi. This will lead me to establish the proportion between the real value of land property in the tenements of the Agro Romano, and that of the provinces of Frosinone and Velletri at 155 to 100. The same proportion applying to the

tenements of the Agro Romano in comparison with the whole of the provinces of Rome and Civita Vecchia will be 120·2 to 100.

General Remarks.—Referring to the Table of cultivations before annexed, I may observe that in the Province of Rome most of the land is kept for the four years' rotation, one year corn and three years pasture. This does not imply that every four years the quantity of land destined for tillage should be all sown, and it happens, on the contrary, that tenants prefer leaving the earth to its natural production, using it for pasture and grass land. Excepting some rare cases the proprietors of tenements in the Roman campagna never cultivate the land on their own account, but let it to tenants. They live in town on their rents, and are not even in the habit of visiting their properties, if it be not for a shooting party or for a pleasure expedition, so that they often let many years pass without going at all on their properties. I shall treat after of the way in which the leases of these tenements are made, but as regards the proprietors I may here state that the only thought they take of their properties is at the moment of renewing the lease, when they try to raise the rent the most that they can.

The Roman Campagna, as it is well known, is not inhabited. In autumn, numerous companies of peasants from the Abbruzzi and the Marche and other parts, led by their chiefs, who are called corporals, descend to the Campagna for the works of the sowing. The corporals are generally engaged by the tenants since the preceding year. When the work is finished all these labourers go back to their country to return in June for the harvest. Each labourer gets about 1*l.*, besides the nourishment for eleven days' work.

The tenants of the Roman Campagna constitute a wealthy class of people, and, besides the profits they make by their large undertakings, they possess a great deal of cattle from which they derive milk, cheese, butter, &c., for the provisions of the capital.

Machinery may hardly be said to be employed in the land works of the Campagna, and much more so for the rest of the Roman territory. Threshing-machines, and some other machines of English make, are being adopted now, and it is not possible to give yet an idea of the effects they may produce on the general condition of the land. The operations of the earth are conducted with the ordinary means.

A very different aspect from that of the Roman Campagna present the two southern provinces of the Roman territory, Velletri and Frosinone; but my informations with regard to these are very scarce, as a personal inspection of the localities would have been necessary to acquire an adequate cognizance of the state of landed property and the general condition of the people. The land is certainly much divided there, and it is more cultivated than in the Province of Rome, but the produce scarcely surpasses the wants of the population, which is by no means advanced in the degree of civilization. The bulk of the populations of the towns is composed of common peasants, and there being no manufactures of any consequence, all must get their means of living from the produce of the land. Women and children attend to the works of the earth. They will be employed by preference in working the small piece of land possessed by the head of the family, while men go out to work on account of other people. The wages for one day's work will be about 1 lira (9*d.*) for each adult labourer, and about 12 soldi (6*d.*) for a woman.

In the Province of Frosinone, part of the plain land is irrigated by means of waters that derive from abundant sources, but owing to the scarcity of manure given to the earth, and the exercise of continuous cultivations, particularly of the maize, it is in general much enervated, the produce is rather poor, and requires a great deal of manual work. In many territories of this province the labourers are housed in the country in dwellings spread over the properties, or agglomerated in villages.

On the contrary, in the Province of Velletri, the labourers live in the towns, far from their holdings, which are generally unprovided with farm houses. In this province the culture of the vine takes the first place. The vine is kept low, or hanging upon the trees; and this sort of cultivation is generally exercised by way of contracts of "miglioria," amelioration, which result in a true emphiteusis with a share of the eventual produce of every year. The amount of the share is regulated by so many circumstances as would determine the amount of the rent in case of ordinary leases.

I find that in practice the division of the produce of the land between the proprietor and the farmer is subject to immense variations, and it would be very difficult to establish an average. In the Province of Viterbo, for instance, I find that sometimes it is the third part of the produce that goes to the advantage of the proprietor, and sometimes it is the fourth or the fifth part, the proprietor always advancing the quantity of seed required, which is afterwards rendered by the farmer. In other places the produce of the land is

divided in equal shares, the seed being also at the equal charge of both, and in some cases the proprietor gets the half or the third, the seed being all at his charge; and there are instances that the proprietor gets the third, the fourth, and so on, even to the tenth, the seed being at the charge of the cultivator.

The above division of the produce in some places in the Province of Rome is effected by halves, the seed being at the charge of both; and in other places the share coming to the proprietor is one-third, or fourth, or fifth, and even the sixth, without prelevation of seed.

In the Province of Viterbo, there is the special custom of giving the proprietor his share not in kind, but in money.

As regards the vineyards surrounding the capital, the farmer gets the two-thirds of the produce, and deducts from the share of the proprietor the amount affecting perpetual expenses, and the expenses of manutention.

I shall notice here, that all over the Roman territory many landed properties are subject to serve as public pasture, that is, to remain open to any one who will take his cattle to feed on the same; and many are charged with a canon, which is called emphiteusis. I shall explain after what is the nature of this charge; but as regards the public pasture, its actual importance is shown by the following Table:—

A TABLE showing the Quantity of Land subject to remain open to Public Pasture.

Provinces.	Total.		Free from		Subject to the above Service.							
					The whole Year.		In Winter.		In Summer.		Total of the Land subject.	
	Surface.	Estimate.	Surface.	Estimate.	Surface.	Estimate.	Surface.	Estimate.	Surface.	Estimate.	Surface	Estimate.
	Tavole.	Scudi.	Tavole.	Scudi.	Tavole.	Scudi.	Tavole.	Scudi.	Tavole.	Scudi.	Tavole.	Scudi.
Rome and Comarca ..	4,566,989·96	20,843,329·78	3,332,050·43	18,288,678·79	1,178,861·03	2,403,621·02	10,672·62	23,859·67	45,405·88	127,170·30	1,234,939·53	2,554,650·99
Civita Vecchia ..	968,210·21	2,932,864·03	673,765·75	2,270,582·81	208,076·63	440,177·70	..	..	86,367·83	222,103·52	294,444·46	662,281·22
Viterbo	2,907,072·95	8 206,103·99	1,746,761·26	5,650,163·41	942,432·46	2,059,662·87	18,123·42	85,384·01	199,755·81	410,893·70	1,160,311·69	2,555,940·58
Frosinone	1,764,580·65	5,009,129·32	1,064,088·64	3,416,545·18	659,107·12	1,570,605·71	31,161·67	12,960·10	10,223·22	9,018·33	700,492·01	1,592,584·14
Velletri	1,450,095·47	4,585,590·58	1,104,725·75	3,851,647·44	331,815·34	693,117·65	..	..	13,554·38	40,825·49	345,369·72	733,943·14
Total	11,656,949·24	41,577,017·70	7,921,391·83	33,477,617·63	3,320,292·58	7,167,184·95	59,957·71	122,203·78	355,307·12	810,011·34	3,735,557·41	8,099,400·07

The total surface of this land subject to this service being 3,735,557 tavole, its proportion to the total surface of possessed land of the Roman territory, will be 32 to 100, which is also the same in the single provinces. The proportion between the value of the land subject to this service, and the total value of possessed land is, however, 19½ to 100; and the difference of these two proportions will show that the land subject to be open to public pasture is of an inferior value. There is a law enabling proprietors to redeem their properties from this charge; and many take advantage of this law to the great disappointment of the people and of the communes.

In addition to what I have already said in regard to the improvements of the land, I shall also notice that these are always put at the charge of the new tenant, in the leases that are made for the tenements of the Roman Campagna. Indeed, the ameliorations are very few, and the quantity of tillage land being in a continual decrease, they would not even be profitable if they were made for more than what is strictly necessary. The principal ameliorations are the planting of olive-trees or mulberry-trees on a given surface of land, the reduction to tillage land for some woody ground, rooting out the earth, building a fountain, and so forth. Sometimes they fix a certain sum to be employed by the tenant to such use. All the ameliorations go to the advantage of the land and the proprietor, without any compensation from this latter to the tenant. The expenses for the ordinary holding of the tenement are at the charge of the tenant, and those extraordinary are defrayed by the landlord. When speaking of the leases for the tenements of the Roman Campagna, I shall say something more on this argument.

The Landed Property; Succession by Will or Intestate; Sale and Transfer of Properties; Registry and "Cadastre."

When the property is free at the death of the owner the law makes no distinction between landed property and other property, both moveable and unmoveable. The owner may by a will divide his lands in as many portions as he likes, and he can dispose of the same in favour of any person, even excluding his own children, to whom he is only bound to leave the share established by law, which is called "legittima." This share may consist of landed property, or of any other sort of goods at the pleasure of the testator. It represents the third part of the estate if the children are four, or less than four; it represents one half of the estate if the children are more than four. In establishing the "legittima," the daughters make number and not part; they are excluded from the inheritance in favour of the sons, and have only right to a congruous dowry.

When no will exists on death of the owner, the landed property, together with all other property, both moveable and immoveable, goes indistinctly to the lawful heir or heirs, who, if more than one, after having made a legal inventory and valuation, proceed to the division of the same, each of them becoming possessed of such a portion of the estate as corresponds to the amount of the share to which he is entitled by law, and if the estate is composed of various sorts of goods, the share of each heir will also be composed of portions of all these goods, and it will therefore occur in such cases that one piece of land will have to be divided in so many portions, according to the number of the heirs. The succession being intestate, it is regulated, by the Novel 118, with some modifications introduced by the legislative and judiciary regulations now in force; and it takes place in advantage of the sons and the exclusion of the daughters, both with regard to the inheritance from the father and the grandfather, and from that of the collaterals male. The first to succeed are the sons, in equal shares; and in case that any of them die before, the grandsons are entitled to the share going to their deceased father. When no children exist, or descendants in the direct line, the inheritance is devolved to the father or the grandfather, the brothers of the deceased concurring in this case to the inheritance with the father or the grandfather. There being no ascendants, the collaterals have right to the inheritance, and first of all the brothers in equal shares; also in this case the sons representing those that might have died before; and if all the brothers are dead, their sons are called to succeed in equal shares.

The congruity of the dowry to which women are entitled, is proportioned to the amount of the estate, and is adequate to the condition of the family. In practice it follows the custom of the place; and, generally, it is regulated after the manner of the "legittima," the lawful share of the inheritance.

Excepting the case that the heirs are the descendants in direct line, in all other cases, both if the succession is by will or intestate, they are bound to give notice of the amount of the estate to the Office of Registry, paying a duty proportioned to its value, as derived from the inventory. This duty varies from 2 per cent. to 8 per cent., by reason of the degree of consanguinity existing between the heir and the deceased. The only

object of the now-mentioned notice is that of establishing the succession-duty; for, as regards the real estate, the heir is bound to effect the transfer of the same to his own name, at the office of the cadastre, "Censo." In this office all properties, landed and urban, are inscribed with the names of proprietors and estimate, and the maps are kept. The estimate serves to regulate the land tax.

The owner of landed property can dispose of the same, if it is free and not entailed *fide commisso*, by sale, or transfer, or donation, as of any other property. Three formalities are required by the law in such cases. The agreement, the registration, and the transfer at the Cadastre. The agreement may be by a private visiting or by public instrument. When it is made by a private visiting the contracting parties simply sign their names at foot. For the validity of the contract, either sale, transfer, exchange, donation, or division, it is sufficient that it has been entered at the office of Registry, subject to a duty of 2 per cent. on the price in case of sales, and on the estimated value in case of exchanges or donations, &c. The transfer of the property at the Cadastre is also binding, and the fee charged for the same is 5 pauls. It will be in the interest of the new proprietor to transcribe the agreement at the office of Mortgages, which serves to give it the necessary publicity. The property passes to the purchaser, with all the mortgages existing on the same, but from the day of the transcription at the office of Mortgages the creditors of the seller cannot enter new mortgages on the alienated property. The transcription now spoken of is subject to a duty of five per thousand on the purchase-price, or on the value of the property in case of donations, exchanges, &c.

When the agreement is made by a public instrument it requires the intervention of a public notary, and must be written on stamped paper, and stipulated in the presence of two witnesses, who sign the deed with the notary and the contracting parties. The original instrument is kept in the archives of the notary, and a certified copy on stamped paper must be left by the notary at the office of Registry, to be deposited in the general archives. The stamped paper is of three different prices, according to its dimensions, viz.;—

Lire 0'30, 0'60, 0'90 for every sheet.

The notarial fees are the following:—

	Roman Money.	English Money.
	Scudi.	£ s. d.
If not exceeding the value of 100 scudi	0·75	0 3 0
From 100 to 300 scudi	1·50	0 6 0
300 to 500 „	3·00	0 12 0
500 to 1,000 „	3·50	0 14 0
1,000 to 1,500 „	4·50	0 18 0
1,500 to 2,000 „	5·50	1 2 0
2,000 to 3,000 „	7·50	1 10 0
3,000 to 5,000 „	10·00	2 0 0
5,000 scudi and upwards, 0·20 scudi for every 100 scudi, the highest fee never exceeding	30·00	6 0 0

The instrument must be registered by the notary within the ten days following that in which it has been executed, paying the duty of 2 per cent. as before stated. The transfer in the Cadastre must likewise be effected, and in the interest of the purchaser; also the transcription in the Mortgage Office. Therefore the actual cost of a public instrument of this kind will be as follows, viz.:—

EXPENSES and Notarial Fees attending an Instrument for the Sale of a Property for the price of 50,000 lire.

	Fees.		Expenses.	
	Lire	c.	Lire	c.
Certificate of the Office of Mortgages	3	30	..	
Ditto of the Cadastre	3	30	2	0
For drawing the instrument	13	45	..	
Various meetings	16	12	..	
Attendances out of office	16	12	..	
Stamped paper, 5 sheets of 50 cents	..		3	0
For writing the instrument	..		4	30
Notarial fee for ditto, and attendance	109	15	..	
Registry, duty of 2 per cent., and attendance	1	65	1,000	40
Copy for the general archive, 10 sheets of 90 cents, including the annexes	..		9	0
For writing the same	..		10	75
Certified copy for the use of the parties	..		17	95
Notarial fee for ditto	107	50	..	
Second copy for the use of the parties, not certified ..	10	75	11	5
For copying the maps	..		9	0
Registry of annexes	1	65	6	60
Transcription at the Office of Mortgages, ½ per cent. ..	3	30	250	0
For writing the instrument at the said office	..		150	0
Transfer at the Office of the Cadastre	..		2	10
	286	29	1,476	15
			286	29
Total	..		1,762	44

In English money 67*l.* 12*s.*

Limitation of Proprietary Rights on Unentailed Property by the Contract of Emphiteusis; Perpetual and Temporary Emphiteusis; Canon; Right of Preference in the Sale; Recognition in Dominum; Caducity; Property charged with an Interest ("*Censo*").

The liberty of selling unentailed property undergoes a limitation when it concerns emphiteutic property, or property charged with an interest, "censo." They call emphiteutic property the landed or urban property, which by the proprietor has been alienated for ever, or for a very long time, with the reserve in his favour and of his heirs of an annual pension, called also "canon." These sorts of contracts are generally made when the land is in a poor state, and wants ameliorations which the proprietor is not disposed to make himself. The seller remains the direct proprietor, which is called also "directary." The purchaser becomes the master of the profits, or otherwise emphiteuta. He takes possession of the property with all its revenues and profits; and all the ameliorations which he makes on the same are also his. He is only liable to the direct proprietor for an annual charge or pension, which is called the canon. The contracts of emphiteusis are of two sorts, either perpetual and "transitoria ad quoscunque," or temporary. The contract is temporary when the emphiteusis is granted for a very long time, so as to say 90 years, or to the third generation of the grantee. At the expiration of the 90 years, or when the third generation is extinct, the property reverts to the direct proprietor "directary," who is not bound to pay anything for the ameliorations.

There is another kind of contract of emphiteusis to the third generation, which is called by compact and providence of the grantor "ex pacto et providentia concedentis," which cannot be ceded to others but those members comprised in the investiture. This sort of emphiteusis is of the nature of the entailed property, because the persons called to the possession of the same are entitled to it by their own right, in virtue of the original grant. However, it is now almost out of use, and it used to be made by the religious corporations to the effect of benefiting those families who had well deserved of them to whom they granted these investitures for a very small canon.

If the stipulated canon is not paid for three successive years, the contract is subject to caducity; that is to say, that the property reverts to the direct proprietor, who is not bound to pay anything for the ameliorations made.

In case that the grantee of an emphiteusis wishes to sell his rights to the profits and to the ameliorations, he is obliged to give notice of it to the direct proprietor, who has a right of preference in the sale, paying the same price that has been offered by other purchasers. After two months' time from the date of the notice, if the direct proprietor has not exercised this privilege, the grantee of the emphiteusis will be at liberty to effect

the sale to other persons. The now-mentioned notice is binding on the part of the grantee; and if it is omitted, the sale may be of no effect.

The purchaser, in taking possession of the property, has to pay to the direct proprietor, as an acknowledgment of his rights, "recognitio in dominum," the fiftieth part of the purchase price, which is called "landemio."

Some properties are subject to interest or "censo," that is, when the occupier is liable to return an annual charge or interest in produces of the land or in money. When the interest of the money was reproved by the Church, and Paul de Castro had not yet invented those requisites called by his name, consisting in annexing to contracts of loan with interest certain proofs that the interest stipulated would be given by other persons; at that time the form of contract here spoken of was much in use. Instead of borrowing money by interest, the proprietors used to sell for a certain price a certain quantity of the revenue of their property. The contract is dissolved the moment that the proprietor returns to the lender the sum received. Also, in the case of sale of this "censo," the proprietor has a right of preference accepting the same conditions offered by other purchasers.

A large part of the property, both landed and urban, in the Roman territory, is charged with canon or with censo, and some with both; also some properties besides the principal canon are charged with a second canon, called sub-canon. With the exception of the privileges before stated, the occupier of landed property subject to emphiteusis or censo is free to use the same in the way that he likes.

Entailed Property; Large Properties of the Agro Romano; Tenancies; Leases; Rent; Consignment; Sub-Tenancies.

I shall now give some account of the state of entailed property in that portion of the Roman territory extending around the capital, which takes the special denomination of Agro Romano, and the way in which this property is used. What concerns the legislation applies also to the state of entailed property in the rest of the Roman territory.

The properties which cannot be alienated are those subject to primogenitures, or *fidei commisso*, and those belonging to religious corporations and pious institutions; and as the Roman Campagna is for the principal part divided in large tenements called tenute, which belong to this category of proprietors, it may be affirmed that the bulk of landed property in this portion of the Roman territory is inalienable. The tenements of the Roman Campagna are, with very few exceptions, let out to a certain class of tenants who take the special name of country merchants, "mercanti di compagna."

The lease is generally made by what is called a private deed, although sometimes it is also made by a public or notarial instrument. The verbal agreement by word of mouth is not in use, but it is not excluded by the law. The only formality required to be accomplished for a private deed is the signature of the contractors. The deed must be written on stamped paper, and the custom is to make it duplicate, one for each party. The lease lasts, generally, not less than six years, and not more than twelve. The rent is never determined by valuation, but always by competition. In annex C is given the form of a notice for a lease of a tenement with the conditions that are followed in receiving the biddings. When the offers have been opened it is in the power of the landlord, subject to a Papal authority easily obtained, to try the experiment of the "vigesima"—that is, raising the highest rent offered by the twentieth. I annex also a form of a notice of this kind (see letter D). It is not, however, meant that offers made under a notice of vigesima should not be inferior to the twentieth of the highest rent offered under the notice of lease; and it always happens, on the contrary, that such offers are given for less than the twentieth; the same for the "sesta," which is the augmentation of the sixth on the highest offer received under the vigesima. The notice which is published in this case is similar to that of the vigesima, with the only difference of the word "sesta."

When all the experiments admitted by the law have been completed, to the effect of raising the rent as high as possible, the agreement is signed by the two parties with all the changes and conditions resulting from the quire of charges previously compiled and shown, inserting those changes, if any, about which the parties may be in accord. In order to give an exact idea of the way in which such contracts of leases are made, and of the clauses and conditions of the same, I append a form of an agreement of this sort in which, as far as I can judge, all probable eventualities attending a tenancy in the Agro Romano are provided (see Annex E). In case of dispute the agreement must be registered at the Office of Registry before producing it in the courts of justice, subject to a duty of one-fourth per cent. on the total amount resulting from the rent multiplied by the number of years.

When the agreement is made by a public or notarial instrument, the formalities are the same as those before stated attending the sale of property, and the registration duty is the same as that now mentioned. The cost of an instrument of this kind, assuming the rent to be 50,000 lire and the lease for nine years, would be the following :—

	Fees.		Expenses.	
	Lire	cent.	Lire	cent.
For drawing the instrument	13	45	..	
Stamp paper, 5 sheets of 60 cents.	..		3	0
For writing the instrument	..		4	30
Notarial fee for ditto	161	25	..	
Registering duty of $\frac{1}{4}$ per cent.	1	65	1,125	40
Copy for the general archives	..		17	0
Certified copy for the use of one of the parties ..	..		17	0
Notarial fee for ditto	161	25	..	
Second copy, not certified	10	75	10	0
	348	35	1,176	70
			348	35
Total	..		1,525	5

The lease is completed when the act of consignment has been effected.

Sub-tenancies allowed, and only in the case that the prohibition is not specified in the agreement the tenant can, under his own responsibility, sub-let all or part of his holding. I shall mention a particular kind of sub-tenancy occurring in the Roman Compagna, which consists in letting out, for certain months in the year, portions of grass land for pasturing the cattle, which is called selling the grass of the pasture, and is made with owners of cattle who are unprovided with pasture land.

The rent is generally determined by competition, as I have said before, and is paid by the month, or every two or three months, but never by the year. The landlord cannot claim a rent higher than that named in the agreement as long as this lasts, but at the end of it he is free to raise the rent as much as he likes. For security of the payment of the rent and other charges stipulated in the agreement, the landlord has a privilege, granted to him by the law, on the produce and other appurtenances of the tenement, which consists in being preferred to all other creditors in taking possession of the produce of the land and of other goods belonging to the tenant which exist in the tenement.

A like privilege is granted by the landlord to the direct proprietor in the case of emphitensis. In the case of "censo" the landlord has the right of taking temporary possession of the land until, by means of the produce of the same, he has recovered his credit on the occupier for non-payment of the agreed interest.

Besides the privilege on the produce of the land already mentioned, the landlord sometimes requires rom the tenant either a guarantee, or a mortgage, or even a deposit.

At the expiration of the time established for the lease, the landlord has the right to evict the tenant, though he has been exact in paying the rent, and in observing all the clauses and conditions of the agreement. The Tribunal has no power to interfere, in order to compel the landlord to prolong the lease; and excepting the case that special conditions have been made for the continuance of the lease, the landlord has the full right to let his property to any one. The landlord is, however, bound to give notice to the tenant of the cessation of the lease previous to its expiration; and in the contrary case the lease may continue with the same conditions for another year, and so on, year by year, until either of the parties informs the other of its cessation. They are accustomed to insert a clause in the agreement, to the effect of avoiding such notice, and then the lease ceases by itself.

In case that either landlord or tenants should be in want of money, and the sum they will borrow is not very large, when the interest would be lower, the usual interest they pay is 6 per cent., with mortgage. Provided that the security is unexceptionable, it is very easy to find money at this condition, either from public institutions of credit, or from private persons, it being a well-known fact that capitals wanting an employment are very abundant; but it is always a difficulty to place them safely. Loans of this kind are the only ones in use; and they are made for a certain time, six or ten years, or may cease at any time, by returning the capital to the lender. A notarial instrument is indispensable, and the cost of such a deed will be the following :—

EXPENSES and Notarial Fees attending an Instrument of Loan of the sum of 50,000 lire, with Mortgage.

	Fees.	Expenses.
	Lire c.	Lire c.
Certificate of the Office of Mortgages	3 30	..
For drawing the instrument	13 45	..
Various meetings	16 12	..
Attendances out of office	16 12	..
Stamp paper, 5 sheets of 60 cents	..	3 0
For writing the instrument	..	4 30
Notarial fee for ditto and attendance	109 15	..
Registry, duty of 1 per cent. and attendance	1 65	500 40
Copy for the general archive, 10 sheets of 90 cents, including the annexes	..	9 0
For writing the same	..	10 75
Certified copy for the use of the parties	..	17 95
Notarial fee for ditto	107 50	..
Second copy, not certified	10 75	11 05
Registry of annex	1 65	2 20
Inscription at the Office of Mortgages, 3 per 1,000 ..	..	150 0
Other expenses for ditto	..	24 30
	279 69	732 95
		279 69
Total	.. ..	1.012 64

In English money . .. . £38 18*s.*

The Procedure.

The legal means of procedure by which the respective rights of proprietors and tenants are enforced, are the law-suits before the civil Tribunals. The plaintiff summonses the other party by proxy, to appear in the Court after eight days. The defendant names his attorney, and gives notice of the fact to the plaintiff, whose attorney, or that of defendant, summonses the other party to appear by proxy at the first audience of the Court on the term of not less than one day, and not more than three days. If this summons is not answered, the Court declares the contumacy, and orders a new intimation to be made for an equal term. Continuing the contumacy, the Court issues the sentence; but if the attorney of defendant appears before the Court, then the cause is proposed and debated by the opponents in a public audience. Supposing that the right of one of the two parties appears to the Judges to be unquestionable, they may give at once their decision; but if they find that a better examination of the case is required, they order the cause to be entered in the Rolls. After the time of not less than one month from the date of service of such order, the cause may be heard again by the Court. The pleadings must this time be made in writing, and they must be communicated in due time to the Judges, and to the opposite party. The Court simply gives at first an opinion, to which the contending parties have to reply after ten days, and then, if sufficiently acquainted with the case, the sentence is pronounced.

There may be, however, many reasons of delay before one can obtain a sentence, such as incidental definitions, nomination of esteemers, examinations of witnesses and similar. The expenses of the cause are at the charge of the losing party, and they are determined by the Court in the sentence. The sentences of the Common Court may be appealed against to a Superior Court. The appeal suspends the execution of the sentence; but it must be made within ten days; and when this time is elapsed, the sentence may be executed, subject to be suspended the moment that the appeal is introduced.

In case that the Court orders the pledging of goods, these may be sold by public auction on the demand of the creditor. If they are immoveables, there may be other creditors that must be preferred; then the amount derived from the sale is deposited to be divided among the creditors according to their rights.

Supposing that a landlord sues his tenant for the payment of the rent, the Court may order the seizure of the produce of the property occupied by the latter while the cause is still pending. The tenant may in this case give a guarantee, or deposit the amount claimed, in order to obtain release.

On the demand of the landlord, the Court may order the eviction of a tenant for non-payment of rent, or for the unobservance of some condition of the lease, or even fix a time to the tenant for accomplishing his duty.

It does not often occur that tenants be evicted in this way, especially as regards the tenements of the Roman campagna. The quantity of cattle possessed by tenants, the

corn and other produce of the land, and the other guarantees given by them, stand as a sufficient security for the landlord; and it very seldom happens that a landlord is exposed to any loss.

The objections which may be put forward by the tenant to refuse wholly or in part the payment of the rent, may be of several kinds—such as the want of part of the property let, or the non-observance on the side of the landlord of some clauses of the agreement; as, for instance, if this latter has engaged to repair some buildings, or build a bridge, or open a road, and similar. In the last years, on account of the cattle plague and of the vine disease, several tenants claimed before the Courts a reduction of the agreed rent, and in many cases their claims have been admitted.

(C.)—*Notice.—Lease of Tenement.*

Wishing to conclude the lease of the tenement called ——, situated in the Roman Campagna, at the —— mile of the —— Road, for the period of nine or twelve years, Notice is hereby given to all persons who might wish to make an offer, that in the twenty days following the —— of —— 1870, the offers will be received at the office of the undersigned notary, where are shown the quire of charges and the map of the tenement.

The offer must be written on stamp paper, and must mentionin letters, not in figures, the annual rent and the domicile of the offerer. It must be given closed and sealed.

When the above time is expired, all the offers will be opened and taken into consideration, including those for persons not named.

Rome, , 1870.

(Name of Notary.)

(D.)—*Notice of "Vigesima" for the Lease of a Tenement.*

Notice is given hereby given that with the consent of the Holy Father the experiment of the "Vigesima" will be made on the offer for the lease of the tenement , made by Signor , for the amount of scudi.

All persons wishing to augment of the twentieth the price now mentioned, are invited to give their offer at the office of the underwritten notary within the twenty days following the date of this Notice.

The offer must be written on stamp paper, and state the domicile of the offerer. They will not be attended to if made for persons not named.

The experiment of the "Sesta" sixth is reserved.

Rome, , 1870.

(Name of Notary.)

(E.)—*Form of an Agreement for a Tenancy in the Roman Campagna.*

After a description of the property with all its denominations and limits, and the names of the contracting parties, follow the conditions of the agreement, viz.:—

The former tenant having to return the cattle (horses, oxen, and bulls for the plough) which constitute the stock of the tenancy for the same quantity, quality, and breed, and at the same price that it was given to him, it is hereby agreed between the new tenant and the landlord that the said cattle will be sold and respectively bought by them at the current prices to be established at the beginning of the lease by two apprizers appointed, one on each side, with the addition of A B in case of discrepancy. The same with regard to the implements, utensils, and moveables pertaining to the herd and pasture-lands. The payment will be made by the tenant by depositing, on the first day of the lease, in the cash of the landlord, the amount of scudi (or lire); and as soon as the valuations shall have been completed the difference, if any, will be [redacted] over by either of the contractors to the other, as the case may be.

The new tenant will have to receive from the past occupier the consignment of the property in the place of the landlord, and subject to the conditions mentioned hereafter, and to his sanction and will.

In case that the consignment should not be completed on the part of the past occupier, the tenant will have no right or claim towards the landlord, but he will act directly against the past occupier, he representing also the rights of the landlord.

The lease will last years, to begin from the and terminate the , which time decurred it will cease without any notice.

The rent is established at scudi a-year, and will be paid quarterly at the end of every quarter in the cash of the landlord in gold or silver, being excluded all other money.

Follow some clauses to prevent that the payment of the rent be made in any other money but gold and silver, whatever might be the dispositions of the law at this regard.

Independent of the rent, and in addition to it, the tenant will furnish every year rubbie of corn (or oats or any other article) to the landlord.

The tenant will also, at his expense, provide for the celebration of the mass in the holidays, and will have care of the sacred ornaments.

The payment of the rent will be effected regularly by the tenant, notwithstanding any misfortune, even of the most extraordinary nature and such as has never occurred, no case being reserved even most unknown and not to be imagined. The tenant, in consequence, will have no claim on the landlord under this title for remission or deduction whatsoever, renouncing now by oath to any pretence on his side.

Any claim the tenant may have on the landlord for any title whatever, will not give him the right to retard the payment of the rent, and he will only be able to bring the case before the proper Court for their decision.

In case that the tenant should retard the payment of the rent for any reason whatever, it will be in the power of the landlord to annul the contract at the end of the agrarian year.

The land-tax will be at the charge of the landlord, but all other taxes or duties of any nature or denomination now existing or future that are or may be imposed by the Government, the province, or the communes, including those on the cense or property, and on any other object on the fruits of the capital and their conservation, extraction, or operation, will always and entirely be at the charge of the tenant. This also comprises the shares due for the preservation of the roads.

A description of the property will have to be made at the moment of the consignment, with the assistance of the agents of the landlord. Everything must be left in the same state and position where it then exists. The assistance of the agents of the landlord will be for one half at the charge of the tenant.

The tenant will, at his own expense, keep, maintain, ameliorate, or renew, every object of any kind and nature received by him in consignment, the walls and beams of the buildings being only excepted, on condition that the damages have not been caused by the tenant.

In case that reparations should have to be made to any of the buildings that should prevent the use of the same for the time required by such reparations, the tenant will have no right to compensation.

A new rotation, of the period of four years, "quarteria," in the cultivable land of the property will be established by the agents of the landlord, and the tenant will only be permited to sow in the second year the half of the portion of land, "quarto," which was cut in the first year of the rotation, excluding always the sowing in the third year. In case that this condition should not be complied with, the tenant will be subject to the payment of two rubbie of corn for every rubbio of land sown by him in the third year of the rotation, or in the second year, above the quantity allowed or sown above the fourth year established of the cultivable land, and this in addition to the redress for the damages. The works of the earth should be conducted according to the best rules of art.

The description of the consignment, besides the turn of the works of the earth, will indicate the quantity of land destined for pasture and meadows, the quantity of seed allowed, and every other kind of cultivation and work that should not be changed, and should be maintained until the end of the lease.

Special conditions may be made with regard to some portion of land. This the tenant is permitted to cultivate during a certain time at his own pleasure, but according to the rules of art, and subject to the condition that it should be left to its natural fruit during the last four years of the tenancy.

The first day of March of the last year of the lease the proprietor or a new tenant will be at liberty to cut the "quarto," or fourth part of the cultivable land destined in the rotation, and will enjoy the use of the portion of land that shall have been reserved for pasture of the animals employed in the work since October of the present year.

In case that the landlord or the new tenant should not want the use of the above-mentioned land for pasture, the tenant will have to pay to either of them, as the case may be, the price of the grass.

During the time that the present lease will last, the tenant will not be permitted to sow Indian corn, or any other produce that might enervate the earth of those portions

of land that will be specially reserved in the act of consignment, and, therefore, to avoid questions it is intended that the sowing should be limited to corn, oats, and beans.

The fences, railings, huts, and similar existing in the property, will be given and respectively received in consignment to be returned at the end of the lease in the same quantity and value.

The tenant is bound to preserve, to repair, and renew all the ditches, banks, bridges, stow walls, ducts and appendages existing on the property.

The tenant is forbidden to cut the young trees and full-grown trees, including elm trees, and he is only permitted to cut the branches of willow-trees and poplars.

The custody of the woods will be at the charge of the tenant, and in case of damages he will be subject to compensation.

The cutting of the underwoods will have to be effected at the age of nine years, according to the period that will be established in the act of consignment; and the cutting will have to be made according to the best rules of art, with the obligation to cut also hardened jets and the thorns.

The 15th day of March of the year in which the cutting takes place it must be completed, the 24th of June the cooking should be terminated, and the 15th of July the charcoal should all be taken away.

The pasture in the land where the cutting of the wood has taken place is prohibited during the first three years immediately following that of the cutting if the lease lasts less than nine years.

The tenant is prohibited to introduce to the property pigs, buffaloes, or other obnoxious animals, subject to a fine of 3 scudi (12*s.*) per head in case of contravention.

In case that the agents of the landlord will have to inspect the state of the property, or visit it on business relating to it, the tenant will provide the necessary treatment, the use of horses, and the quantity of hay and oats required, without any right to compensation.

Everything that may be found to exist under the ground is intended to be the property of the landlord; and in case that he should like to make excavations for his own account, the tenant will only be entitled to a compensation in proportion of the land occupied for such excavations and the corresponding rate of rent.

All the ameliorations that may have been carried out by the tenant, excepting the case of a special convention, will go to the advantage of the landlord without giving the tenant any right to compensation.

Sub-tenancies, and all associations of persons are expressly prohibited: in contrary case the present agreement will be of no effect.

Every claim or demand on the part of the tenant towards the landlord, and not *vice versâ*, will have to be presented in writing before the month of January of each year, otherwise it will be of no effect.

The present agreement will be complete when the act of consignment will have been signed, it being reserved to the landlord to constrain the tenant to receive and sign the consignment, or to rescind the contract when the agrarian year is over.

It will be in the power of the landlord to convert at any time the present agreement in a public instrument at the expense of the tenant, including the cost of registration, notary, &c.

Follow some clauses for the observance of the agreement by which the tenant renounces to every right that the law might grant him against the landlord with regard to the interpretation of the same.

(Signed) ALESSANDRO FRANZ.

No. 19.

Mr. Jerningham to the Earl of Clarendon.—(*Received February* 22.)

My Lord, *Stockholm, Februa[illegible]5, 1870.*

WITH reference to Mr. Jocelyn's despatch of the 22nd of October last,* I have the honour to transmit a Report upon the Tenure of Land in Sweden which has been drawn up by Mr. Gosling, Third Secretary at this Legation.

I have, &c.

(Signed) G. S. S. JERNINGHAM.

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* See Part I of Reports respecting Tenre of Land abroad, page 13.

Inclosure in No. 19.

Report by Mr. Gosling on Tenure of Land in Sweden.

Population.—On the 31st of December, 1868, 4,173,080.

State Religion.—Lutheran, with liberty for all other confessions (heathens excepted) to exercise their rites and worship.

Industrial Pursuits.—Agriculture, mining, navigation, fishing, and manufacturing employments of every description.

Land Occupation.

(A.)—Small Proprietors.

1. The greater part of Swedish soil is the property of peasants, who cultivate it themselves, and, consequently, the land is, for the most part, divided into small properties. There are, relatively, few large properties in the possession of individuals. The private landed property in Sweden is divided among about 290,000 landowners.

The large majority of landowners cultivate their own land.

As a rule, it is only in connection with large properties that land is leased.

The entire country contains 66,438 "mantal,"* or assessed unities. If this sum be divided among the before-named number of proprietors, an average is obtained of less than a quarter of a "mantal" for each property.

The average quantity of land contained in a "mantal," calculating from the entire area of the kingdom, is about 1,220 "tunnland"† (1,488·22920 English acres). The average, however, varies considerably when taken in separate "lans" or Governmental districts, in consequence of different degrees of cultivation and fertility. For instance, in the Governmental District of Malmöhus, the average of a "mantal" is only 225 "tunnland" (274·46850 English acres), while in the Governmental District of Norrbotten, it amounts to 26,000 "tunnland" (31,716·3600 English acres).

The average population on each "mantal," taking the whole kingdom, is about 55 persons, ranging between about 24 persons per "mantal" in the Governmental District of Upsala, and 144 persons in the Governmental District of Wermland.

Each "mantal," on the average, is divided into four properties, ranging between $1\frac{7}{10}$ in the Governmental District of Stockholm, and $11\frac{1}{2}$ in the Governmental District of Wermland.

2. Landed property is inherited in the same manner as personal property, and is divided between the heirs without other regard to sex than (1) that brothers have the right of choosing, among equally divided shares, the portions they prefer, and sisters take the shares that are left; and (2) that brothers are entitled to buy in the shares of sisters, when the land cannot be advantageously divided. Also, when the most privileged kind of land, "säteri,"‡ is inherited, together with less privileged land, and the former constitutes a single property. Brothers are entitled to take the privileged property, giving full compensation to the sisters for their being compelled to accept the less privileged land.

Further, if any heir inherit a larger share than his co-heirs, he enjoys the right of choosing such share, and, if the land cannot be advantageously divided, of buying out his co-heirs, otherwise the heirs to the smaller shares may buy in the share falling to the principal heir.

Entailed estates exist in Sweden, but no new entails can be formed.

3. In the sale, gift, or exchange of landed property, the conveyor gives a deed of conveyance. Judicial aid in drawing up this deed is not needed, nor is it usually employed (in cases of exchange one deed, in "duplo," is sufficient; or each of the contracting parties may give a deed, conveying the property each conveys, and describing the property each receives in exchange). The deed of conveyance must subsequently be produced, proclaimed, and entered in a special record before the Town or County Court of the district in which the property in question is situated. Conveyances are also published by notifications posted on the doors of the Town or County Court; or by being read from the pulpit of the parish church, after which they are again proclaimed at the next ordinary meeting for the year of the Town or County Court. Certificates

* "Mantal," an ancient division of land based on its assessed value.

† "Tunnland," equal to 1·21986 English acres.

‡ "Säteri," an estate originally belonging to a noble, and released from certain taxes and imposts.

of the first, and subsequent proclamations before the Court, are noted on the deed of conveyance. Provided no counter claim be put in during the interval, the Court, at the close of the year, confirms the conveyance of the property to the new owner. This legal confirmation by the Court is called a "fastebref." Even if a counter claim be put in, provided it be subsequently disallowed by a judicial decision finally established, the confirmation, or "fastebref," is also issued by the Court. All the proceedings before, and resolutions of the Court with reference to such conveyance, are entered in the before-named Record, a copy of which is sent in, within a prescribed time, to the Court of Appeal there to be preserved, the original being kept in the archives of the Town or County Court. (The records of all Courts of Justice are accessible to the public.)

With reference to landed property inherited by bequest, the proceedings are the same as those described in connexion with deeds of conveyance.

The costs of conveyance are—(1) stamp duty, $\frac{3}{4}$ per cent. on the value of the land conveyed, and 25 öre riksmynt ($3\frac{1}{4}d.$) for each special certificate issued by the Town or County Court, of the proclamation of the conveyance; and (2) fees: (*a*) for the certificate of the Court relative to each proclamation, 3 riksdaler (3*s.* 4*d.*); and (*b*) for the certificate of conveyance, $\frac{1}{5}$ per cent. on that part of the value of land which does not exceed 20,000 riksdaler (1,111*l.* 2*s.* $2\frac{3}{4}d.$), and $\frac{1}{10}$ per cent. on that part which exceeds the said value. The 25 öre ($3\frac{1}{4}d.$) and 3 riksdaler (3*s.* 4*d.*) above-mentioned are only the minimum charges for the certificate of the first preclamation. If the certificate covers several sheets, which is most frequently the case, 25 öre ($3d\frac{1}{4}.$) and 1 riksdaler (1*s.* $1\frac{1}{4}$d.) are added for each additional sheet.

4. To provide for loans on landed property on the most advantageous terms possible, Mortgage Associations are incorporated in each of the provinces of the kingdom, and during the last eight years a General Mortgage Bank has also been established, which alone raises capital for the several Mortgage Associations, and transmits to each such sums as are required and can be obtained on acceptable terms. This Bank has received from Government, for reserve capital, State obligations to the value of 8,000,000 riksdaler (444,444*l.* 8*s.* $10\frac{3}{4}d.$). This capital may only be employed in certain prescribed cases, the Bank being bound to indemnify Government for any loss the latter may sustain by the use of the said capital.

Loans thus obtained from the Mortgage Associations are redeemed by annual instalmentary payments. The terms depend upon circumstances, but are easier than those on which landed proprietors can otherwise raise loans by mortgage. Such loans, whether obtained from Mortgage Associations, or from private persons, or from public funds, are usually sought for the purpose of liquidating old charges, or in connexion with the purchase of landed property and the improvement of the same.

5. Land in Sweden is mortgaged to a very large proportion of its aggregate value. The rate of interest for loans on landed property obtained otherwise than from Mortgage Associations is—since the crisis of 1857—generally six per cent. per annum, this being the highest rate of legal interest on such loans.

6. In obtaining a mortgage on landed property, the mortgage-deed must be produced, proclaimed, and specially recorded before the Town or County Court of the district in which the property is situated, and the terms of the mortgage be noted on such deed.

The proceedings relative to the copy thereof are the same as those described under A. 3.

Provided a mortgage be not redeemed within ten years after the date of registering the same before the Court, such mortgage becomes null and void, unless, in the interval, it have been again declared valid by the Court. The same conditions hold good with regard to each following decade during which such mortgage remains unredeemed. The removal is noted on the deed, and entered in the Record. When several mortgages are effected on the same property, the first has the preference. A renewed mortgage claim enjoys precedence in the order in which it was first granted.

The costs are: When the loan is granted: (*a*) stamp duty, $\frac{1}{4}$ per cent. on the amount of the loan, and 25 ore ($3\frac{1}{4}d.$); (*b.*) fees (3 riksdaler) (3*s.* 4*d.*). Provided the Certificate issued by the Court covers more than one sheet, an additional 25 ore ($3\frac{1}{4}d.$) and 1 riksdaler (1*s.* $1\frac{1}{4}d.$) are paid for each following sheet. On renewal of a loan: (*a.*) Stamp, 25 ore ($3\frac{1}{4}d.$); (*b.*) Fees, 3 riksdaler (3*s.* 4*d.*).

7. The crops raised are: potatoes, oats, rye, barley, meslin, wheat, peas, vetch, flax, rape, and beans. The quantity grown of each kind decreases in the order enumerated from about 6,170,000 bushels of potatoes to about 500,000 bushels of beans annually.

The grain sown on each "mantal," on the average, is about 200 bushels, varying

between about 80 bushels per "mantal" in the Governmental district of Jemtland, and 360 bushels in the Governmental district of Malmöhus. The crops raised on a "mantal," on the average, are about 990 bushels, with variations exceeding, in the Governmental district of Malmöhus, 2,250 bushels.

The rotatory system is only introduced on some of the best cultivated estates. The order of rotation varies considerably. One of the most common rotations is: fallow, rye, grass for two or three years, and then oats, barley, or wheat. The cycles of rotation vary from four to nine years.

In the Northern provinces, and some other districts of the country, the same crops are produced every year—rye being the most common grain, and usually sown in the autumn. In Middle and Southern Sweden it is customary to grow the same, or similar crops, for terms varying, in different provinces, from two to eight years, with an interval of one or two fallow years, which, however, is frequently employed for the growth of potatoes, turnips, peas, clover, and other fodder. Taking the whole country, by far the larger part still clings to the most primitive modes of agriculture: but even with enlightened farming, the systems are necessarily numerous, in consequence of the great variety of soil and the many gradations in climate and temperature existing in a country stretching from 55° 20′ to 69° 4′ N. lat.

About one-sixtieth part of the area of the cultivated soil is subdrained.

Marl is increasingly used as manure in those provinces (chiefly the southern), in which it is found in sufficient quantity.

Little attention or care is given to raising stock. In the summer, live stock is generally put out to graze on forest and natural meadow land. During the long winter months both cattle and sheep must be housed, and large quantities of roots and hay provided for winter fodder. The total number of live stock in the kingdom is about 1,185,000 cows, 1,690,000 sheep, 400,000 young cattle under two years, 380,000 pigs, 280,000 oxen, 130,000 goats, and 38,000 bulls. These are chiefly divided in small numbers on each farm, and are seldom kept in large quanties. The average live stock for each "mantal" is about 30 head of cattle, 26 sheep and goats, and 6 pigs.

The total area of tillage land is about 6,460,000 acres, that of natural grass land about 5,360,000 acres. The total area of land in the whole kingdom, including islands, is estimated at about 112,380,000 acres.

8. The machinery is, relatively, very little used, but is gaining ground on the larger estates.

A very large proportion of the land being the property of peasants, and worked by them and their families, considerably reduces the necessity for hired labour. This is, however, increasingly required in connexion with improved systems of farming.

There are about 310,000 hired farm and garden labourers (paid either in wages or by holdings and in kind). Of these 141,000, or about five-eleventhe, are females. In addition to regular farm labourers, there are about 100,000 "torpare," who hold cottages and small plots of land for which their families and beasts of burthen are bound to render a certain number of days' work annually.

If these 310,000 hired and other labourers, and the 100,000 torpare are divided among the total area of tillage land in the kingdom, viz., 6,460,000 acres, it will give a proportion of about one labourer to every 15 or 16 acres. It must, however, be borne in mind, that there are nearly 200,000 proprietory peasant farmers, and about 40,000 tenant farmers who (in most instances with their wives and families) are regularly engaged in farm labour.

The majority of farm labourers are hird for terms of six months, each spring and autumn (24th April and 24th October) for yearly wages and board.

Yearly wages for farm servants, with board, ranges from about 3*l.* to 8*l.* for males, and from 1*l.* 10*s.* to 4*l.* for females. In some of the northern provinces the highest yearly wages rise to 12*l.* for males and 5*l.* 10*s.* for females.

Day wages, without board, range from 7*d.* to 2*s.* 2*d.* for males, and from 4*d.* to 1*s.* 10*d.* for females in the summer months; and in winter from 3*d.* to 1*s.* 8*d.* for males, and from 2½*d.* to 10*d.* for females.

9. The emigration among the agricultural classes is large. It is chiefly occasioned by the hope of larger earnings and increased prosperity in America (to which country they almost exclusively emigrate), and in some cases from a desire for greater religious liberty and free political institutions.

The number of emigrants from the whole kingdom was:—

In 1860	 348	In 1867	 9,334
1865	 6,691	1868	 27,024
1866	 7,206		

And during the year 1869 it is estimated to have considerably exceeded 30,000. Upwards of a third of the above emigrants were agriculturists and their families. In 1868, the number of peasant farmers and agricultural labourers, with their families, who emigrated, was 9,367, divided as follows;—1,507 married couples, 1,818 unmarried men, 890 unmarried women, 1,852 boys, and 1,723 girls, under the age of fifteen. The number of labourers is not separately specified.

10. Proprietors of all classes, with comparatively rare exceptions, live on their properties.

11. Small proprietors, above the peasant class, live and dress like the rest of the middle classes of the community. Their houses are roomy and clean, often furnished with some degree of luxury.

Peasant proprietors usually live in two-storied cottages, with two or three rooms on the ground floor, and two gable rooms on the upper floor. On the ground floor there is mostly one large room, serving for the kitchen, dwelling, and sleeping room of the whole family and servants. Recesses are formed in the walls for beds, and benches around the walls are adapted for sleeping-berths. The rooms are low, the windows generally fixtures, incapable of opening; and thus the houses, though warm, are too confined for sanitary requirements.

The food of this class is substantial, consisting chiefly of coarse, hard rye-bread (sometimes mixed with barley or oatmeal), potatoes, fish, rye, barley, or oatmeal porridge, cheese, milk, salt meat, and herrings; fresh meat is a rarity.

Their dress is warm and serviceable, and mostly made of home-spun and woven linen and woollen materials. In fashion it is primitive, and usually peculiar to the district. They generally possess large stocks of clothes, which, however, are seldom used, except on Sundays and holidays. Their working attire is dirty, and seldom changed. As a class, they are decidedly above poverty, and a large proportion in comfortable circumstances. Some are rich for their station, and possess property to the value of from 1,000*l.* to 10,000*l.* Their style of living is not much affected by different degrees of wealth. The variations that exist in this respect result more from the variety of habit in different districts. Some of the richer peasant farmers adopt more refined and expensive habits. Since the abolition of separate legislative chambers for the different classes of society, the wealthier peasants are gradually abandoning their distinctive characteristics.

12. A mean division of the land belonging to peasant farmers gives about 30 acres of tilled, and 26 acres of natural grass land to each proprietor.

A peasant farmer's household averages about four or five members.

The increase of population, under normal conditions, in this class, is about 1.17 per cent., which does not greatly differ from the general increase of the urban population of the kingdom, and compares, not unfavourably, with the natural increase of population in most other European kingdoms. Nearly the entire aggregate increase of the kingdom is derived from surplus of births over deaths among the rural population.

The Returns for the year 1868, however (the last for which statistics of population are published) show an absolute decrease in the entire population of the kingdom of 7,512, nearly the whole of which falls on the rural population. This decrease is attributed to the following causes:—

1. The small number of births in the years 1826—1840;

2. The economical depression which has prevailed since 1860, as compared with the financial prosperity of the previous decade.

3. The dearths and bad crops of the years 1867 and 1868, and the sudden increase of emigration.

13. Enlightened public opinion is favourable to the present system of land tenure, and the laws in force for the inheritance and transfer of real property and mortgaging the same. An objection is sometimes made to the easy and inexpensive manner in which land can be conveyed, because it facilitates the sub-division of properties, and thus acts prejudicially on farming operations. Among intelligent agriculturists a feeling is gaining ground in favour of an agglomeration of small properties into larger ones, so that machinery and scientific appliances may be more effectually employed.

With respect to the primitive system of agriculture, and the domestic habits of peasant farmers, the enlightened part of the community see that improvement is desirable.

(B.)—Tenants and Sub-Tenants under Landlords.

1. As before stated, tenancies and sub-tenancies are not numerous, on account of the very large proportion of the land being in the possession of peasant farmers; and it being the rule even for the owners of large estates to cultivate their lands themselves.

In those cases in which tenancies exist they usually consist of entire estates, or of parts of large estates, which have originally been separate properties. The average quantity of land held by each tenant is consequently about the same as the quantity held by each proprietor, viz., somewhat less than a quarter of a "mantal," or about 385 acres, varying according to the character of the soil, from about 60 acres in the Government district of Malmöhus, to about 5,000 acres in the governmental district of Norbotten.

The above average includes forest and waste lands.

The average quantity of tilled land held by each tenant farmer is about 22 acres, and of natural meadow land about 18 acres.

2. The tenure is by lease for a certain term of years (but not exceeding fifty), or during the natural life of the tenant and his wife. Sub-tenancies are prohibited. This prohibition does not apply to sub-farms, subordinate to the principal property leased by the tenant. The rent of such sub-farms, however, may not be raised above the sum determined by previous tenants of the principal property. This, notwithstanding the tenant of the principal property is often permitted by his lease to let sub-farms to new tenants, as vacancies occur on such terms as he may be able to obtain.

The tenant is generally bound to provide the stock and implements requisite for the cultivation and maintenance of such sub-farm.

No reduction of rent in case of misfortune is provided for. The owners in such cases, however, usually grant a respite with reference to the payment of a certain part of the annual rent contracted for.

3. Tenancies may be created both by parol and written agreement. When no certain term is prescribed for the duration of tenures, the term is presumed to be one year. Tenants of small farms, however, are generally allowed to retain their tenures as long as they live, and are usually succeeded by their sons or sons-in-law.

4. A written agreement relative to a tenure must, in order to be valid with regard to a third party, who has not previously obtained a legal transfer or mortgage, be produced and proclaimed before the Town or County Court of the district, and entered in the Record described under A 6; and a certificate relative to such procedure must be noted on the written agreement by the Court. The above legal confirmation must be renewed before the expiration of each tenth year, in the manner described under A 6, provided the agreement extend over a long terms of years.

The law costs are—On the first production and proclamation in court—(*a*) stamp $\frac{1}{4}$ per cent. on the amount of the annual rent, and 25 ore ($3\frac{1}{4}d.$); and (*b*) fee, 3 riksdaler (3*s.* 4*d.*). If the certificate of the court fill more than one sheet, which is most frequently the case, a further sum of 25 ore ($3\frac{1}{4}d.$) and 1 riksdaler (1*s.* $1\frac{1}{4}d.$) is charged for each additional sheet. On renewal of the legal confirmation, the costs are—(*a*) stamp, 25 ore ($3\frac{1}{4}d.$); and (*b*) fee, 3 riksdalers (3*s.* 4*d.*).

5. There is no law or custom by which a tenant is considered to have a right to remain in occupation without special agreement.

6. There is no law or custom by which a tenant is considered to have a right to sell his interest in his farm.

Rent.

1. Rent is paid according to the nature of the agreement—in money, kind, and labour.

2. Rent is determined by agreement alone. If determined in money or kind, it is paid once a-year. Payment of rent by a share of the produce is rare.

3. The landlord possesses unlimited power, on the execution of each new agreement relative to tenure, to demand as high a rent as he can obtain from the tenant.

Carelessness or neglect on the part of the tenant in executing stipulated building operations, is specially declared by law to be a good and valid reason for eviction; but in almost every agreement there is a provision that the tenant shall be liable to eviction for non-payment of rent, or any other breach of covenant.

4. If the matter is clear, the process for recovery of rent, or other claims, is summary, by order of the Governor, granted on application. The powers of the Governor in such matters are equivalent to those of a Sheriff. If the matter is complicated, or open to doubt, it must be tried before the proper Court. The proprietors of privileged land ("frälse jord")* are entitled, for the recovery of claims, to place an embargo on the personal property of tenants on their estates, through two impartial "nämudemän,"† but must, in such cases, within a fortnight thereafter, apply to the

* "Frälse jord," free land; land exempted from certain imposts, and specially privileged.

† "Nämudemän," a kind of permanent jurymen in the County Assize Districts.

executive authorities for aid in the sale of the sequestered property; previous to which the tenant must be examined by those authorities. If such application be not made, the embargo becomes null and void, except in so far as it establishes a right of precedence to other creditors. In bankrupt estates, the landlord possesses an absolute precedence of claim on the goods and chattels of the tenant for delapidations and the rent of the current year, and a conditional precedence of claim on the same property for the rent of the two previous years. The landlord further enjoys an absolute precedence of claim with respect to compensation for cattle, farming implements, and other property furnished by him to the tenant, and also with regard to any special hire stipulated for cattle, farming implements, &c. Proprietors, however, rarely furnish tenants with cattle, farming implements, &c. As stated under Tenure 2, tenants are generally in possession of this, as well as other farming stock.

Evictions.

1. Evictions take place by order of the Governor. Previously to the issue of such order, the tenant is summoned to a hearing in the matter, and the Governor's judgment passed. If the matter be open to doubt, it is referred to the proper judicial Court for trial. Provided the tenant be declared liable to eviction, either by the Governor or a judicial Court, the sentence, in either case, is executed by the Sheriff ("Kronofogde"), or Bailiff (Länsman"). An appeal against the judgment of the Governor, and also of the judicial Tribunal may be instituted in the higher Courts.

There are no legal provisions for respite with regard to the payment of arrears of rent.

2. Evictions are very rare.

Improvements.

1. Improvements are generally effected by the tenant, without any assistance from the owner. It is likewise obligatory on the tenant to maintain all buildings in the condition in which he receives them, and to place them in such prescribed condition for which he has been supplied with the requisite means. He is also bound to build new buildings that may be needful, but within certain limits prescribed by law.

2. The tenant possesses no defined legal security to be compensated for improvements executed by him.

3 and 4. The owner possesses legal right, without making any compensation, to appropriate all improvements the tenant may have effected during his term of tenure. It is, however, the established practice, that the tenant, on leaving his tenure, is at liberty to remove the buildings he may have executed, with his own materials, beyond those which he was bound to erect, provided the landlord does not agree to pay the existing value of such buildings; and, also, if the tenant have built beyond his obligations—even with materials taken from the estate—it is considered binding on the proprietor to compensate the tenant for the labour expended, deducting the wear and tear of such buildings in the interval since they were executed; or, otherwise, the tenant should be allowed to remove such buildings on paying the landlord the value of the materials taken from the estate.

5. There are no means provided by the Government to assist tenants in raising loans for the improvement of their estates.

Miscellaneous.

1. The relations between tenants and proprietors are generally friendly; between small tenants and large proprietors they have hitherto been patriarchal. Of late, however, signs of discontent have been manifested by some of the smaller tenantry, which, before long will, probably, call for various amendments in the existing laws.

2. The mode of cultivation among small tenant-farmers is generally of the most primitive kind; and they are, as a class, decidedly inferior in solvency, independence, general circumstances, and character to proprietors of even the smallest farms.

3. No separate statistics are published on this subject. It is probable the increase of population among small tenants is less than among small proprietors on account of their greater property.

4. The emigration among tenant-farmers and their families is large; but probably less than among small proprietors for want of sufficient funds. The causes are the same as those described under A 9.

5. Public opinion is, as yet, much divided on the question of tenant-farmer. The

question has not by any means received the attention it deserves. It may, perhaps, be assumed, that enlightened opinion is becoming increasingly opposed to the payment of rent in labour; the obligation of tenants to erect new buildings; and their possessing no legal claim to a reduction of rent in times of severe misfortune, or to receive compensation for permanent improvement.

6, 7, 8, 9 and 10. No legislative measures have ever been taken to create freeholds or tenancies, or promote the granting of leases.

11. The laws in force contain no restrictions with regard to the accumulation of land, and have a tendency, within certain wide limits, to promote its dispersion.

Copyhold.

There are a description of holdings called "frälseskatte" farms, which somewhat resemble English copyholds. These properties are of two kinds—the one consists of farms, the land-tax of which is received by private persons who have purchased the right of collection from the Government; and the other of farms that have been sold by private owners with the condition that a certain annual rent shall be paid in perpetuity.

In most provinces of Sweden the land-tax is high.

(Signed) AUDLEY GOSLING.

Stockholm, February 14, 1870.

No. 20.

Sir A. Paget to the Earl of Clarendon.—(Received February 28.)

My Lord, *Florence, February* 22, 1870.

I HAVE the honour to transmit to your Lordship herewith two papers which I have received from Mr. Consul Colnaghi on the systems of land occupation and of agriculture which exist in Piedmont and Lombardy.

Mr. Colnaghi, who has taken the greatest possible pains to obtain correct information on these subjects, states that he has received considerable assistance from Mr. Vice-Consul Kelly, at Milan; M. Jacini, formerly Minister of Public Works, and author of an important book on landed property in Lombardy; Professor Cantoni, President of the Agricultural Committee of Turin; Chevalier Oudart, Chevalier Panizzardi, and several other gentlemen who have specially devoted their attention to agricultural questions.

I have, &c.

(Signed) A. PAGET.

Inclosure 1 in No. 20.

Notes by Consul Colnaghi on the Tenure of Land in Piedmont.

Piedmont, as at present constituted,* consists of the four Provinces of Alessandria, Cuneo, Novara, and Turin. It is separated from France, on the west, by the lofty summits of the Maritime, Cottian, Graian, and Pennine Alps; from Liguria, on the south, by the lower Alps and the Appenines. On the north, it is bounded by Switzerland; and on the east, by the Lombard Provinces of Como, Milan, and Pavia.

In the centre of the territory rise the fertile hills of the Province of Alessandria, which are only separated by the Tanaro from the advancing spurs of the Appenines. Round these hills, on the west, north, and east, bend the great plains of Piedmont, irrigated by the Po and its tributaries, the Stura, Tanaro, Bormida, and Scrivia, on the south, and the two Doras, Stura di Lanzo, Orco, Sesia, and Ticino on the north, with many smaller streams. All these rivers flow in diagonal lines to the Valley of the Po, by reason of a double inclination of the soil, consisting of a partial slope, north to south, from the Alps to the Po, and a general fall of the country, west to east, from Monte Viso to the Adriatic.

The superficial area of the territory contains 29004·11 square kilometres;† the

* The portion of the province of Pavia, consisting of the districts of Bobbio, Lomellina, and Voghera, which formerly belonged to Piedmont, has, since the annexation of Lombardy, been politically attached to that division of the country.

† About 18,152 English square miles.

proportion of mountain and hill to plain land is as 0·774 to 0·226; and the total population, in 1861, amounted to 2,764,263 souls.

The geological* features of the country are varied. The highest points of the Alpine system are generally composed of porphyry, granite, micaceous schist, and other crystalline rocks; the succeeding masses are formed, for the most part, of limestone; while between the two grand divisions, anthraciferous metamorphic rocks are found.

The range of the Appenines bordering on Liguria resembles in character the general Alpine system: while the series of hills, which advance northwards into the interior of the country, are composed of rocks of the middle tertiary period (Miocene L), and the hills beyond the Tanaro belong, for the most part, to the upper tertiary (marine) formations.

The plains immediately to the east and west of the Alessandrine hills are of the upper tertiary (fresh water) period; but the great body of the plain land, forming the central portion of the country, is chiefly composed of diluvial deposits.

The Province of Alessandria is formed of a fertile plain, surrounded by ranges of well-cultivated hills. It is rich in corn, fruits, and wine.

The Province of Cuneo is shut in, on the west and south, by the lofty slopes of the Maritime Alps and the Appenines. The snowy summits of these mountains contrast with the smiling hills and valleys, rich in vines and woods, that spread out, on the north, into the noble plain forming the most fertile district of Piedmont.

The conformation of the Province of Novara is varied. On the north, it is bounded by the ranges of the Pennine and Lepontine Alps, offshoots from which, advancing southwards, form the two great valleys of the Sesia and Ossola. These open out into the plain of the Valley of the Po, a fertile portion of which completes the territory of the district.

The Province of Turin, for the greater part of its extent, is formed of the Cottian, Graian, and a portion of the Pennine Alps, with their offshoots, spurs, and valleys. The remainder of the district is plain land, and extends on both sides of the Po, by the tributary streams of which it is abundantly watered.

Land Occupation.

The abolition of fiefs, the influence which the French occupation, at the beginning of the century, exercised over the legislation of Piedmont, especially with reference to the laws of inheritance, and the unquiet condition of the country at the same period, may be cited as among the principal causes which gave rise to a system of land occupation differing from that of the large estates which existed before 1789. The recent sales of lands belonging to the State and to the Church may be considered as steps further tending to the subdivision of landed property.

Land occupation, at present, varies, as it is probable that it always more or less did, according to the nature of the country and the character of the soil. The whole territory may be classed in three distinct divisions:—

1. The hill districts.
2. The non-irrigated plains.
3. The irrigated plains, which may again be subdivided into the rice country, and the districts where meadow lands prevail.

In the hill region, and more particularly where the cultivation of the vine obtains, the land is chiefly in the possession of small and medium proprietors. In some mountain parts, as in the districts of Ossola and Aosta, property is subdivided into small lots of, on an average, from ½ to 3 hectares, and a system of "petite culture" is adopted suitable to the nature of the land and of the country.

In the non-irrigated plains, where corn is cultivated on a large scale, small properties, though, it may be, less frequent, are still to be found in considerable numbers.

In the fertile and irrigated plains, especially where the cultivation of rice is common, as in the districts of Vercelli and Novara, large estates are the rule. The land is divided into properties, varying between 40 and 1,000 hectares, and even more, which are, in general, leased out to farmers, who form an important and wealthy element of the rural population.

The proportion of small proprietors, who are owners of from ½ to 20 hectares, to

* Sismonda, "Geological Map of Piedmont," 1866.

large proprietors, may be calculated, very approximatively, at the proportion existing between mountain and plain land, *i.e.* :—

Mountain (small proprietors)	0·774
Plain (large proprietors)	0·226

The medium proprietors, holding from 20 to 50 hectares, may be considered as equipoised in the two territories.*

The above calculation does not give the proportion between proprietors and tenants. The metayer system is common on the small properties, and the metayers form too important a class to be left out of the question; but I have no data to serve on this head.

The census of the kingdom of Sardinia, for the year 1858, gives the following statistics of the number of proprietors of land and persons employed in agriculture :—

	Alessandria. Population in 1858, 637,629.	Cuneo. Population in 1858, 603,584.	Novara: Population in 1858, 573,392.	Turin. Population in 1858, 924,209.	Proportion Per Cent. of Total Population.†
Landowners ("Proprietarj") ..	69,562	77,917	33,076	121,660	10·11
Farmers ("Fittainoli")	9,802	8,014	6,834	13,716	1·4
Metayers and permanent labourers ("Coloni")	66,084	62,225	52,214	39,509	8
Bailiffs ("Castaldi")	2,706	2,846	11,471	4,314	0·77
Day-labourers ("Braccianti") ..	126.007	76,096	170,988	142,106	18

† Total population of the four provinces, 2,738,814.

The above statistics include males and females, but are exclusive of the "day-labourers without fixed professions," who numbered, in 1858, 112,873.

The number of proprietors, as noted above, is probably, however, much within the truth, as many possessors of landed property, professional men, employés, or tradesmen gave in their names in their business capacities, and not as landowners. Another calculation would make the total number of landed proprietors in Piedmont (and Liguria) to be at the rate of 18·90 per 100 inhabitants.

(A.)—Small Proprietors.

1. Small properties, in general, are greatly subdivided; exchanges, notwithstanding, are unusual. In the mountain districts, this may be attributed to the love the Highlander bears for his paternal field. Elsewhere, it is said to arise from the fact that small properties are often the results of the dismemberment of large estates, bought up by speculators and retailed to the peasantry, whose only means of paying for their purchases are often to be derived from future savings.

The average extent of freeholds possessed by the peasant proprietors may be considered, for mountain districts, to be from $\frac{1}{3}$ to 3 hectares.

Among the vine-cultivated hills of the district of Casale (Province of Alessandria), where favourable examples of the advantages attaching to small properties may be found, the land is divided into freeholds of from 6 to 20 hectares. When the properties are too much intersected, they are re-formed by means of fresh purchases.

In great part of the district of Tortona (same province) five-tenth of the proprietors own small freeholds, of from 10 acres to 10 hectares in extent; three-tenths of from 3 to 10 hectares; the remaining two-tenths are possessors of properties ranging from 10 to 100 hectares.

In the Province of Turin, the freeholds cultivated by the owners themselves are, on an average, from 2 to 3 hectares in extent.

5. The amount of mortgages may be estimated at one-half, or, perhaps, even two-thirds the value of the land. The average rate of interest is between 6 and 7 per cent.

7. The principal products of the soil are wheat, rice, indian corn, oats, rye, and other grain; vines and mulberry trees; clover, lucerne, &c.; flax and hemp; fruit, such as cherries, chesnuts, apples, pears, peaches. walnuts, &c., and vegetables.

* The foregoing statement is an attempt only to give an idea of the probable proportion existing between large and small proprietors, and may not be correct for all the districts of the country.

The rotation varies, as do the products, according to nature of the soil, be it irrigated or non-irrigated plain, hill, or mountain land.

The rotation on the hills, between the lines of vines, is the alternate fallow—that is, the first year the field is sown with wheat, and is left fallow during the second, the land giving only one crop of wheat every two years.

In the district of Casale (already mentioned) the rotation is biennial—the first year, part Indian corn or beans, part vetches for fodder, and, in part, clover; second year, wheat, with a portion of the land as meadow, with lucerne, or as permanent meadow, in which case it is manured every year.

Among the mountains of Aösta, at 800 or 900 metres above the level of the sea, the alternate fallow is the rule for corn land. In the district of Ossola, the rotation of crops is but little practised.

In the plain of Turin, the rotation is quinquennial — first and second years wheat, third clover, fourth wheat, fifth Indian corn. It is probable that many of the small proprietors near the town are market gardeners.

Animal manure is in general use, with vegetable manure made from rotten plants, &c. In the neighbourhood of towns sewage is employed.

The rotation of crops, in the districts where rice is cultivated, will be noticed under heading (B).

On the rapid slopes of the hills, where the vine is cultivated, intersected with corn, spade husbandry is employed. On the easier hill sides and in the valleys the plough, drawn by oxen, is adopted. The same is the case in the plains where the ploughs, more or less perfect, are in use. Steam-power, in connection with agriculture, has not yet been introduced into the country.

Notwithstanding the climate and the fertility of the soil, the yield of wheat is not up to the standard of modern agriculture. On an average the product is between 11 and 12 hectolitres per hectare; the English average being 35 hectolitres per hectare. One proprietor alone in Piedmont, the Marquis E. Di Samburg, has, by a good system of cultivation, though under unfavourable circumstances, obtained an average yield of from 20 to 22 hectolitres per hectare. Thus it may be seen that the smallness of the product is to be attributed to defective system of agriculture; more particularly, perhaps, to the land not being ploughed up to a sufficient depth to remove the cold and clayey sub-soil. The quantity of seed used per hectare is about two hectolitres, some use three hectolitres. If line sowing were adopted two-fifths of the wheat now employed in sowing might be economized. The yield of barley is from 15 to 23 hectolitres per hectare.

The cultivation of the vine is beginning, little by little, to be more carefully attended to. The old system of festooning the vines on trees, more picturesque than advantageous, is dying out by degrees, and the French method of planting is being adopted, as more suited to the wants of the plant, if good wine be required.

The raising of live stock on small properties is an object of no special care.

In the mountainous district of Ossola, cattle, which form the principal wealth of the mountaineers, are kept in the stable in winter, In summer they are pastured on the hills and Alpine heights, as far as the Swiss territory. The animals are herded by the family of the owners, or are entrusted " à cheptel " to professional herdsmen.

In the valley of Aösta, the young calves are suckled for three months, after which they are fed on hay or grass, according to the season. The kids and lambs are reared in the same manner. In summer large and small stock are pastured on the mountain heights, near the snow, where they are given " à cheptel " to the care of shepherds and herdsmen.

The proportion of meadow to arable land in Piedmont has been calculated as follows:—one-twentieth in the hill districts; from one-fifteenth to one-twelfth in the non-irrigated plains, and from one-fourth to one-third in the irrigated plains. The proportion, however, varies greatly in the different districts.

8. Although agricultural machines are found now-a-days in all the agricultural exhibitions that are held in North Italy, their use, with the exception of threshing-machines for corn and rice, is but little extended on large and not at all on small properties. The employment of agricultural machines has met with obstacles in the customs of the people, and in the special conditions of the climate. There are some, however, for sowing, &c., which are suitable to the country, and the introduction of machinery, which may in time become of great importance, is beginning to increase. Factories for agricultural machinery have also been established both in Piedmont and Lombardy.

In general, the small freeholds are cultivated by the proprietors themselves. When this is not the case they are usually farmed on the "metayer" system, to which, as a

tenancy, reference will be made under heading (B). On the properties, however, which are too large to permit the labour of the owner and his family to suffice for their cultivation, hired labourers are employed. As these labourers are the same, and are engaged on the same conditions, as on the large properties, I shall speak of them here as a whole.

The agricultural labourers are divided into two distinct classes—the "bifolchi" or "boori" (ploughmen or permanent labourers), who are also called "famigli" and "schiavandari" in some districts, and the "braccianti" (day-labourers or casual labourers).

The permanent labourers are hired by the year, but they often remain a long time on the same property. They are lodged, with their families, at the farm, not, however, too commodiously, and are paid partly in money and partly in kind. The system existing,—and which may not be unworthy of attention,—is to interest the labourer in the results of his work, by confiding to him a portion of land for cultivation of which he shares the produce.

In the district of Casale (Province of Alessandria), the permanent labourers receive in kind corn and wine, and in money the value of about 500 Italian lire per annum, and lodging. If the members of their families work they are paid separately. The permanent labourers take care of the cattle, cultivate the land, dress the vines, &c.

In the plain of Marengo (same province) the "boori" receive in kind the value of about 400 or 500 lire per annum, and 48 lire in money. They also have a small portion of land which they cultivate for a half share of the produce with their master. They rear the silkworms, dividing the yield, which may bring them in from 50 to 200 lire. They are lodged, and receive wood and oil.

In the Province of Turin, in the plain, the "boori" receives 4 sacks of maize (5 emines per sack), 3 sacks of wheat, 3 sacks of oats, and 100 lire in money per annum. In addition to the above, they also have 2 myriagrammes of hemp, 1 myriagramme of walnut oil, a share in the poultry belonging to the farm, 7 or 8 tables of land, of a value of 3 or 4 lire per annum, on which to grow vegetables, and lodging. This is called the "paga França." There are farmers who pay less, but who are ill-served. Sometimes the "booro" becomes responsible for the cultivation of the Indian corn. He bears all expenses, ploughing, however, with his master's cattle, and for this he receives a sixth part of the yield. The "boori" perform all the work of the farm, except harvesting the wheat, &c.

In the district of Vercelli, a plain country, and where rice is extensively cultivated, the labourers, in general, receive 100 lire per annum in money, 9 hectolitres of Indian corn, 1 hectolitre of rice, and ½ hectolitre of beans, and they cultivate in addition, dividing the produce in unequal shares with the farmer, 150 acres of land sown with Indian corn. They have also the right of gleaning in the corn-fields, and both themselves and their families are lodged generally on the farm itself.

Altogether the condition of the permanent farm labourers is tolerably good. They are in constant work; but they have probably suffered, of late years, under the general depression of agriculture caused by the disease of the vine and the silkworm, and the political events which have taken place in Italy.

In the Province of Cuneo, where the "metayer" system prevails, the sub-division of property in the plain has originated a class of agriculturists called "Viciurau," to be found in considerable numbers in the neighbourhood of Racconigi, Savigliano, Saluzzo, and Bra. Their chief, if not only employment, is to plough the fields of the smaller proprietors and thresh the corn at fixed rates.*

The position of the casual labourers is not favourable. They are ill-paid, except at certain seasons of the year, and are fed in the most simple manner. Their food, in general, consists of a soup made of beans, lard, and water, with a kilogramme of dry bread. In the hill country they may sometimes drink wine. Their wages vary in the different districts, and according to the season of the year.

In the district of Alessandria, the men receive from 90 centimes, or even less, to 1 lira 10 centimes per diem in winter, and from 1 lira to 1 lira 50 centimes in summer. The women from 50 centimes to 1 lira. During the harvest the wages of the men rise to 2 lire, and sometimes even 5 lire, with 3 litres of wine per diem.

In the district of Turin labourers receive from 1 lira to 1 lira 25 centimes per diem in winter, and from 1 lira 25 centimes to 1 lira 50 centimes per diem in summer. Women from 75 centimes to 1 lira. In summer, when the days are long, the farmer gives a water-soup, with some salad, once a day to his labourers in addition to their pay.

* "Relazione della Camera di Commercio e d'Arti di Cuneo sulla Condizione Economica della Provincia." Cuneo, 1864.

The reapers and threshers receive one-sixth part of the wheat harvested in payment for their work, including the storing of the grain in the granaries.

The proportion in which labourers are employed also differs according to the method of cultivation followed in each district. In the Province of Alessandria the proportion is one labourer per hectare. Near Turin one "booro" is employed for every 40 or 50 journées of land (1 journée equals 38 acres). This is exclusive of casual labourers. In the district of Vercelli the proportion is 12 permanent labourers for 100 hectares, the same number of day-labourers and four times the number of occasional labourers when required.

The women are employed for certain light work in the same proportion as the men; for heavier work, less, or not at all; for hay-making in larger numbers.

The casual labourers may be divided into two classes—(1) those living in the district who, when work is wanted, are generally employed on the same farm, and are, more or less, certain of constant occupation of some kind or another; (2) the tramps, who are temporarily hired on occasions of pressure of work. In Turin the mowers and reapers may be seen waiting in the market-place until some one shall hire them.

9. I have been unable to obtain any reliable information regarding Piedmont on the subject of the permanent emigration to South America, which would appear to be decidedly on the increase. I believe that the emigrants chiefly belong to the mountain districts. According to M. Jacopo Virgilio, the total number of emigrants from Italy to South America, in 1867, amounted to more than 20,000 individuals.*

The periodical and temporary emigration of labourers without fixed profession and shepherds, according to the census of 1858, was as follows :—

Province.	Labourers without Fixed Profession.	Shepherds and Herdsmen.
Alessandria	8,447	19
Cuneo	5,657	2,382
Novara.	4,268	261
Turin	8,536	1,408
Total	26,908	4,070

The individuals emigrating in search of work, for the most part, went to provinces (Italian or Piedmontese) other than their own, to France, Switzerland, or Austria (frontier lands).

10. Generally the peasant proprietors live in the villages in the neighbourhood of their small freeholds. When the proprietors do not cultivate their land themselves they usually reside in the towns, where they exercise some trade or profession.

11. The petty proprietors live like the other peasants. Their houses are small and dirty, and they are not much better fed than the ordinary labourers. It is not easy, however, to answer this question in general terms, as the condition of the proprietors differs according to the position they occupy in the social scale. On an average, and granting that the small proprietor is able to live by his freehold, his position is tolerably good, although, by the disease of the vine and of the silkworm, many proprietors have been reduced to great straits.

In the district of Casale, where the disease of the vine has not committed great ravages, the position of the small proprietors is good. Their freeholds are in the neighbourhood of the large villages in which they live. Their food consists of bread, meat, and poultry, polenta, vegetables, eggs, fish, and they always drink wine. On *fête* days they dress like the small trades-people.

In the district of Vercelli, the proprietors live on Indian-corn bread and sometimes wheaten bread, soup, a little home-fed bacon, poultry, eggs, milk, and beef on holy days; in general they drink wine. They wear woollen clothes in winter. The small proprietors of Casale and Vercelli may be taken as favourable specimens of their class.

In the mountains of Aösta, the small proprietors eat but little meat, a great many potatoes and chesnuts, polenta and vegetables. They are dressed in woollen stuffs and country cloths.

13. The general opinion is that small properties are suitable to the hill districts and non-irrigated plains, and lands where the vine is cultivated, but not to the irrigated

* "Delle Migrazioni Transatlantiche degli Italiani:" J. Virgilio. Genoa, 1868.

plains, where the system of cultivation is opposed to the "petite culture;"—and the general practice of the country would seem to conform to this opinion.

The condition of the small proprietors may, on the whole, be considered a happy one, when their properties are not too deeply mortgaged. Moreover, the system is reputed to be an excellent barrier against communistic doctrines. The small proprietor feels that he has a stake in the country, and that he may hope to advance in prosperity, while the simple labourer, especially when not sharing in the produce of his toil, is condemned to gyrate in the same circle, and to see his children unable to rise higher than himself.

(B.)—Tenants and Sub-Tenants under Landlords.

Tenure.

1. The quantity of land held by tenants under landlords in Piedmont varies from the smallest plots to, in some few cases, over 1,000 hectares. The tenancies differ according to the nature of the country. In the hill districts, and on the non-irrigated plains, the tenancies (which here are chiefly "metayer" farms) may average from 4 to 20 hectares; in the irrigated plains, from 100 to 300 hectares.

2. The tenancies may be divided into two distinct classes: land held on the "metayer" system, and simple tenancies for a money rent.

The "metayers" are a species of farmers, sharing with the proprietor half the produce of the soil. Each "metayer" holding is large enough to give employment to one family of peasants. The house, which always stands on the property, is kept in repair by the proprietor, and the "metayer," in general, pays no rent. The farmer must possess from two to four oxen, according to the extent of ground he has to cultivate, ploughs, harrows, and all the requisite agricultural implements. If there are vines the proprietor is obliged to supply the props. The "metayer" farms are generally held by the year, six months' notice to quit being required on either side. In some districts, however, they are held for nine years, though terminable at the end of each triennial period, on the usual six months' notice being given.

The regular tenancies for a rent in money are usually held for 9 years; sometimes for 12, 15, or even 18 years, in the case of the larger estates. Leases also run for 3 and 6 years. Estates belonging to charitable institutions are never let for longer than a 9 years' lease, which is often terminable at the end of each triennial period.

The general incidents of a tenancy are as follows:—

The farmer takes over the property under a detailed inventory, which describes minutely the condition of the farm-buildings, the shape and extent and cultivation of the fields, the number of trees and plants and their dimensions, the quantity of fodder and manure existing on the farm, &c. At the end of the lease the tenant is bound to deliver up to the proprietor the farm as he found it, the usual allowance for usage of the buildings excepted. The tenant gives the proprietor a mortgage on any property he may have, as a guarantee for the payment of the rent, or, if he has no landed property, a money guarantee of from one to two years' rent paid in advance. In the latter case, however, he receives interest on the money deposited at a rate to be determined by the parties interested. At the present time it is, generally, from 6 to 7 per cent.

The power of assigning sub-tenancies depends entirely upon whether they are allowed by the terms of the lease, which would appear rarely to be the case. Sub-tenancies are, therefore, not common, except in the case of speculators who take on lease large estates which they sub-let in small farms, mostly on the "metayer" system.

Rent.

1. The rent of the "metayer" farms is paid by sharing the products of the soil with the proprietor, except for the meadow lands, for which a rent is paid, unless, indeed, the first crop of hay called "maggiengo" is made over to the proprietor. The rent for the house, when one is required, which in Piedmont is exceptional, is also paid in money.

For the other tenancies, the rent is always paid in a fixed sum of money, to which generally certain appendices ("appendizi") are annexed, as a sack of rice or wheat or Indian corn, the carriage of produce or materials, if required, &c. These supplements

may, however, be considered rather as marks of good will than as forming part of the actual rent.

2. Rent is paid either yearly or half-yearly, at the end of each period. The most general custom appears to be for the rent to be paid in two rates; one, at the end of June, the other, on St. Martin's day (11th November); or, sometimes in August and on the 31st December, with the exception of the last year of the occupancy, when the final rate should always be paid on the 11th November, the end of the agricultural year.

Improvements.

1, 2. The particular conditions of each lease regulate the execution of improvements to the buildings. If they are made by the farmer with the consent of the proprietor he has a right to compensation. If, without the landlord's authorization, there is no claim for reimbursement. If, as often happens, the farmer wishes for certain improvements, such as, for instance, some new stables, the proprietor builds them at his own expense, and the tenant pays him 5 or 6 per cent., according to agreement, on his outlay.

All improvements to the land, having reference to its proper cultivation, are borne by the farmer, who is obliged to give back the property to the owner improved rather than deteriorated.

Repairs to the buildings, with the exception of the small annual repairs called "localizie," which are at the charge of the tenant, must be executed by the proprietor. The tenant, however, furnishes the carriage of materials.

Miscellaneous.

1. In general the relations between landlord and tenant are friendly: when difficulties arise recourse may be had to the civil tribunal, but disputes are, perhaps, more generally settled by private arbitration, and in accordance with local usages. The existing law would appear fully to protect the interests of the tenant.

2. The condition of the metayers and small farmers of the hill districts and non-irrigated plains, their method of cultivation, &c., resemble those of the small proprietors of the same districts who have been already noticed under heading (A). These farmers, may, as a rule, be considered inferior to the proprietors in social independence, when they do not possess landed property of their own, in addition to cultivating land of others.

The large farmers of the irrigated plains belong to a distinct class. They live well, educate their children for the liberal professions, and keep their carriage.

I add here a short description of a farm I visited in the plain of Vercelli.

The "Venaria Vercellese" belonged formerly to the House of Savoy, but was exchanged by the late King Charles Albert against the palace of the Marquis Durazzo at Genoa. Rice fields form the principal wealth of this farm; its extent is about 1,000 hectares, and the annual rent paid by the farmer amounts to 98,000 lire. The farmer possesses 50 yoke of draught oxen, with cows in proportion to maintain the breed. He has 12 pairs of mules, horses, ploughs, carts, and all necessary farm implements in profusion. Above 300 labourers are constantly employed on the farm, and at harvest time, or whenever there is any extraordinary pressure of work, a number of occasional labourers are called in to assist.

The farm-buildings of dark brick, surround an immense quadrangle, near the centre of which stands the farmer's residence. The buildings contain a chapel, a small inn, the stables for oxen, &c. (above which are the hay-lofts), the mill, with machinery of the latest invention for husking and cleaning rice, and the labourers' lodgings. Beyond the regular square are the threshing and drying floors, with three separate rice-threshing machines under substantial cover, and worked by water-power. When I was at the farm, the Indian corn was being threshed. On the floor whole families of peasants, women and children of all ages, were working gaily to gather in the fruit of their labour—the Indian corn being shared in unequal parts between the farmer and the labourers. The whole arrangements of the farm, if rough in outward appearance, and somewhat wanting in neatness, were in good working order, and would imply, I should be inclined to think, considerable agricultural progress of late years.

In the irrigated plains rice, meadows, and cereals are the principal cultures. Animal manure is much used. In the neighbourhood of the towns sewage is employed to advantage. Of late years, I learn, that considerable quantities of Peruvian guano

and artificial manures are beginning to be used. The fertility of the soil is further maintained by the frequent ploughing in of green crops ("soveschi").

The rotation in the plains of Vercelli and Novara is as follows:—

Three years of rice, then oats, wheat, maize, and meadow; or three years alternately wheat, meadow, and Indian corn.* Sometimes the rice is repeated for more than three years in districts where it follows after meadows, and where the fertility of the soil is maintained by ploughing in a succession of green crops, such as lucerne, colza, clover, &c., every year before the rice is sown. There are also, in the Vercellese, some permanent rice-fields.

Where rice is not cultivated, the rotation for the other products is the same, but where there is little water the meadows are natural, and often of small product.

The rotation in the different districts differs in details. The above examples may serve, however, to give a general idea of the method of cultivation as practised in the irrigated districts of Piedmont.

Stock are raised generally for draught purposes and for their manure, and, in the dairy-farm districts, for the value of their milk. The oxen are stall-fed on meadow hay mixed with wheat, oat, or rye straw, or Indian-corn tops, both in summer and winter. Sometimes rice-bran is mixed with the hay. The cattle are only pastured after the third crop of hay is cut in the month of October. Cows are imported from Switzerland into the districts of Vercelli and Novara;† but Piedmont possesses a native breed of cattle which, as producers of meat, are preferred to the Swiss.‡

The Province of Cuneo is very rich in cattle, large and small. Dairy-farms are numerous, and large quantities of cheese are made. Droves of pigs are usually kept on the dairy-farms to use up the refuse of the milk. There is an important export trade in cattle from this province to Liguria and the coasts of Provence. In 1863 and 1864 the exportation of cattle was as follows:—

	1863.	1864.
	Head.	Head.
Bulls and oxen	4,399	5,751
Cows	870	1,450
Calves	3,800	1,801
Sheep and Goats	28,219	21,949
Pigs	3,896	4,332
Total	41,184	35,283

4. It is probable that among the metayers and small farmers emigrants to South America may be found; but statistics are wanting on the subject. Neither the large farmers of the plains nor their children emigrate.

5. With regard to metayer farms there would appear to be a tendency on the part of many proprietors in Piedmont to confine this species of tenancy within narrower limits, and, whenever practicable, to let their lands for a rent in money. In its present condition, as a yearly tenancy, there can be no doubt that the system is opposed to improvements in agriculture; it remains to be seen whether under a fixed tenure, for a longer period, it might not prove equally advantageous to the peasant and the proprietor, or whether the development of modern civilization is adverse to the continuance of patriarchal associations.

With reference to the ordinary tenancies, the general opinion would seem to be that a lease of nine years is not long enough to allow the farmer to cultivate his land to advantage. There are some who would, therefore, wish to have the term of the lease prolonged; others, who think that it would be sufficient to give the outgoing tenant a preference at a reduction on other offers, or a premium of so much per cent. on the increased value the land may have acquired under his tenancy, on his giving up occupation.

A prevailing impression exists that proprietors consult their own interests in letting their land to farmers, because, among the few who have attempted the direct management of their property, all have not been successful. But, again, it would only be advantageous to the general interests of the country, if landed proprietors would

* In the district of Lomellina, which, though now forming part of the Lombard Province of Pavia, may be considered as agriculturally belonging to this portion of Piedmont, the rotation is as under:—Years 1, 2, 3, rice; 4, oats, with biennial clover (or wheat); 5, meadow (sometimes there are three years of meadow in succession); 6, Indian corn.

† In some districts, and particularly in the Lomellina (Pavia), where the cows on a farm are few in number, the milk i sold to professional cheesemakers, as is likewise the case on the southern plain of Lombardy.

‡ Veal is the general food in Piedmont. The beef is inferior, as the oxen are seldom killed until they are past work.

remember that they have duties as well as rights, learn to attend to their own affairs, and employ their time usefully. The art of agriculture, though quietly progressing, as is strikingly exemplified in some individual cases, has to be further studied both practically and scientifically in Piedmont.

D. E. C.

Turin, January 1870.

WEIGHTS and Measures used.

1 are is equal to	3·995	English perches.	
1 hectare is equal to	2·47	„	acres.
(1 journée is equal to 38 ares.)			
(1 table of land is the 100th part of a journée.)			
1 kilogramme is equal to	2·20	„	lbs. avoirdupois.
1 myriagramme is equal to	22	„	„
1 litre is equal to	1·76	„	imperial pints.
1 hectolitre is equal to	2·75	„	„ bushels.
(4½ emines is equal to 1 hectolitre.)			

The Italian lira is equivalent to the French franc.

The foregoing notes have been, in great part, drawn up from information most courteously and kindly furnished by the presidents of several local agricultural committees, and other gentlemen who have devoted their attention to agriculture. Among the number I may be permitted more particularly to mention Professor Cantoni, President of the Agricultural Committee of Turin, the Chevalier Oudart, of Genoa, and the Chevalier Panizzardi, President of the Professional Institute of Turin.

D. E. C.

Inclosure 2 in No. 20.

Notes by Consul Colnaghi on the Land Tenure of Lombardy.

MODERN Lombardy is composed of the eight Provinces of Bergamo, Brescia, Como, Cremona, Mantua, Pavia, and Sondrio: it is confined on the west by the Canton of Ticino and the Italian Provinces of Novara and Alessandria (Piedmont); on the east by the Mincio and the Province of Rovigo. The region is separated on the north from Switzerland by the wall of the Alps, and, on the south, is bounded by the River Po, which separates Lombardy from the Provinces of Piacenza, Parma, and Modena. The territory contains 23,377·74 square kilometres*, of which about 10,399·54 are mountain and hill, and 12,978·20 plain land. The total population, in 1861, amounted to 3,259,638 souls.

The mountain system of Lombardy is composed of the range of the Rhætian Alps, which surround its northern frontier for a distance of about seventy-five miles. From this chain spring the pre-Alpine ranges, by which the Val Camonica, Valtellina, and other minor valleys are formed. The lower hills stretch down, rich and fertile, to the plain, which lies, in shape like a vast spear-head, at the foot of the mountains. The point of the steel is at Quatrelle, in the Province of Mantua; its base rests on the heaths of Somma, near Varese; and its angles are at Pavia on the south, and Bergamo on the north. The plain inclines gently towards the Adriatic, and is watered by the Ticino, Lambro, Adda, Oglio, Mincio, and other streams, which, descending from the Alps, become the tributaries of the Po as this river flows majestically by the southern frontier of the country. They are not absorbed by the great river, however, until they have played their part in the important scheme of irrigation which forms so prominent a feature in Lombard agriculture.†

With regard to the geology of the district, the highest mountain peaks are formed of granite, serpentine, and other primary rocks, and the lower ranges, for the most part, of limestone. In the valley of the Po, the great plain is principally composed of the silicious detritus of the Alps.

The agricultural productions of the country are many and varied, and extend from the lemon and olive trees of the lake of Garda to the pasture grounds of the Alps. Vines and mulberry trees, with wheat, Indian corn and other grain, are grown on the hills and upper plain, while rice, flax, and hay form the chief products of the irrigated

* About 14,611 square miles.

† "Notizie Naturali e Civili su la Lombardia:" C. Cattaneo. Milan, 1864.

lands. Lombardy is rich in silk, cheese, and butter. The production of wine, which the oïdium had almost entirely destroyed, is recovering under the general application of sulphur. The territory is the seat of considerable manufacturing industry.

The characteristics of the different provinces, the methods of cultivation, and the systems of tenancies vary according to their position, the degree of fertility and nature of the soil, and the capabilities for irrigation. For facility of description, however, the whole territory may not inconveniently be divided into three great agricultural zones marked out by nature :—

(1.) Upper Lombardy, formed of the mountains of the Provinces of Bergamo, Brescia, Como, and Sondrio. This division contains the four important lakes of Maggiore, Como, Isco, and Garda, forming the reservoirs for the irrigation of the plains. The magnificent pine forests which formerly covered the highest slopes of the mountains have been in great part destroyed by an ill-understood desire for gain; but other woods, chiefly composed of beech and chesnut trees, still exist on the lower hills, whilst attempts are being made to arrest the further denudation of the mountains.

(2.) Central Lombardy, the district of the hills and non-irrigated plain, situate between the mountains and the lands where irrigation begins to be practised. It contains portions of the Provinces of Milan, Bergamo, Como, and Brescia. The whole of this region is not equally productive. The western part of the Upper Milanese consists of land conquered from the heaths ("brughiere"). The eastern part is more favoured by nature, as are also many districts to the east of the Adda, which are included in this division. In the other portions of this zone the fertility is not continuous, and the perseverance of man was put to hard proof in reducing to cultivation large tracts of sterile land. The vine and mulberry tree are amongst the most important products of this region. The population is very dense, and suffices not only for the cultivation of the soil, but for the advancement of manufacturing industry, which is widespread throughout the district.

(3.) Lower Lombardy, consisting of the irrigated plains of the Provinces of Milan, Pavia, Cremona, and Mantua, but containing as well, in the southern districts, some non-irrigated lands. The separation between the irrigated and the upper plain is gradual, each district blending with the other. The country offers a very different aspect to the second zone; the fields are intersected by canals and rows of trees in monotonous succession. Social life is less active than in Central Lombardy, the population is more scattered, and industrial enterprizes are concentrated in the towns and larger villages,—not spread over the country districts.

Land Occupation.

Corresponding, on the whole, with the division of Lombardy into three zones, the landed properties may be separated into three categories :—

(1.) Small properties, under 15 hectares.

(2.) Medium properties, from 15 to 100 hectares.

(3.) Large properties, above 100 hectares.

The small properties are more especially the tenure of Upper Lombardy, where the proportion of proprietors to the total population may be taken as 1 to 3, except in the immediate neighbourhood of the towns, where it is as 1 to 11. In this region the communes hold the largest estates. They consist exclusively of extensive possessions in woods and Alpine pasture lands; they are, however, no longer of the importance of former times.

The second zone is the seat both of medium and small properties. Here the proportion of proprietors to the total population may be taken as 1 to 13. The most important estates (now that the Church property has been taken over for sale by the Government) are in the hands of hospitals and other charitable institutions.

The large estates are to be found in the irrigated plains of Lower Lombardy, though small properties are not uncommon in the less or non irrigated portion of the territory. The proportion of proprietors to the total population is as 1 to 20, with a tendency to increase the size of the estates.

The small mountain freeholds are alway cultivated by the proprietors themselves; an owner alone would give the loving labour requisite to render the rocky mountain slopes productive. In the neighbourhood of the towns and valleys, where the properties may be somewhat larger, and are in the hands of the trading rather than the peasant class, they are generally cultivated on the metayer system, or, if consisting

of meadow lands, let out for a money rent. Cases also occur in which small tradesmen have their little properties cultivated, by hired labourers, under their own superintendence.

In the hill districts and upper plains the majority of the properties are cultivated under the metayer system, or a modification thereof. The estates belonging to charitable institutions are always leased out, by public auction, to farmers, who may, perhaps, more properly be termed contractors ("appaltatori"). They do not cultivate the land themselves, but sub-let the different small farms on each estate to metayers.* This is the principal instance of sub-tenancies which I have noticed in Lombardy, and here the tenant-in-chief really acts the part of factor, or collector, for the charity. Some large private land-owners manage their property with the help of a bailiff ("fattore"), but the soil is usually cultivated on the metayer system.

The irrigated plain, for the most part, is leased out in large farms to well-to-do tenants for a rent in money.

Lands held on a perpetual lease ("beni livellari"), emphyteotic, and similar tenures are exceptional, and would appear to be rapidly disappearing. They could not, therefore, be considered here to any practical advantage.

(A.)—Small Proprietors.

1. The owners of small properties in Lombardy may be divided into two classes:—the peasant proprietor who cultivates his own freehold, aided by the members of his family; and the trading, or middle class, proprietor, who has his land cultivated for him by third persons, whom he either pays for their labour in money or with whom he shares the produce of the soil in kind. It is the peasant proprietor whom alone I shall consider under heading (A), as coming within the scope of the present inquiry. The following remarks must, therefore, be taken as referring more especially to the mountain region of Upper Lombardy.

The average size of the small properties cultivated by the owners themselves may be calculated at from one-third of a hectare to three hectares. They are not always held together, but the different portions are often intersected by other properties, a natural consequence of the continual subdivision of land.

In some districts of the Valtelline, a family of peasants unite various kinds of tenure, as co-proprietors of communal pastures and woods, having domicile in a certain commune, owners of a small freehold, lessees of a little meadow, and cultivating a neighbour's land on the "metayer" system.

5. In general small properties in Lombardy are mortgaged for more than half (some say for two-thirds of) their estimated value, between loans and family and other guarantees.

Since the failure in the yield of silk and wine, the proprietors in many districts have become, though still the nominal owners, in fact the mere tenants of their creditors. A slight reaction is said, however, to be taking place, and the position of the proprietors is somewhat improving. The rate of interest varies from 5 to 7 per cent., and even higher.

7. The products of the mountain districts are obtained by the hard labour of the owners of the soil. A system of "petite culture" is adopted throughout the territory. The use of the spade prevails, the plough being only employed on the level ground of the valleys. The chief products are the vine and the mulberry tree, and the falling off in the yield of grapes from the vine disease, and the reduced production of the silkworms of late years, have caused, as has been already mentioned, great distress among the Lombard peasantry. In the valleys rye, barley, potatoes, buckwheat, and, lastly, hemp and maize are grown; but not in sufficient quantity to supply the wants of the population. The slopes of the hills are covered with chestnut trees, important not only for their timber, but their fruit, which is consumed in large quantities by the inhabitants of the plain as well as of the mountain.

The rotation of crops in the valleys is of a simple description, being a continuous alternation of cereals. Meadows under rotation are but little known, and hay is only cut on the permanent grass lands, which exist in the valleys or on the mountains. These last are diligently manured and irrigated by means of the mountain rivulets, the waters of which are carefully collected. They must not, therefore, be confounded

* A most unfavourable system for the sub-tenants.

with the Alpine pastures, which are neither manured nor irrigated, and are never cropped.

The fertility of the soil is maintained by the use of animal manure, and by ploughing in green crops ("soveschi").

The rearing of cattle has lost some of the importance it possessed in an earlier period of Lombard history. Still the breeding of calves, a great gain to the peasant, is actively carried on as far as his means will admit, especially in the villages. Cows are almost entirely imported from Switzerland. In the mountain districts in summer the cattle are driven to the Alpine pastures under the care of herdsmen. In the winter, they are brought down to the lower grounds of the plains, and fed on hay purchased for their use. On the small farms in the valleys cattle are always maintained, generally in sufficient numbers for draught purposes, and for the supply of manure. In the summer they graze in the fields after the harvest. In the winter they are always kept in the stables, and are fed on hay and Indian-corn leaves and stalks.

Goats and sheep, ill-cared for and poorly fed, are greatly objected to by the peasant in those districts where the mulberry tree and vine prevail, owing to the damage they inflict on these plants.

The proportion between arable and meadow land on the hills is, probably, as four-fifths to one-fifth. In the valleys there is more meadow than arable land. The mountains possess the Alpine pastures, but I have no data on which to base their extent.

8. The small proprietors in the mountain districts employ few, if any, salaried labourers. The question of hired labour will be considered under heading (B).

10. The small proprietors generally live in the villages and hamlets in the immediate neighbourhood of their properties.

11. The small proprietors are fed on vegetables, chestnuts (of which a species of polenta is made), potatoes, and coarse maize bread for the poorer class. Those somewhat better off have polenta of buckwheat ("grano Saraceno") or Indian corn, and cheese and milk in addition. The inhabitants of the Provinces of Bergamo and Como, more industrious than those of the Valtelline and Brescia, are generally better fed than the latter.

The dress of the peasants is good, but plain. It consists of fustian for the men, cotton stuffs for the women. In winter the men's dress is woollen. The mountaineers rarely go barefoot.

Their houses, which are generally built of stone, or a mixture of stone and bricks, are poor and dirty. The villages are, for the most part, labyrinths of narrow tortuous lanes, unclean and unpaved. The married couples sleep in bed; the other members of the family in the stable or the hay-loft.

The general condition of the peasantry before the failure of the two chief products of the country—silk and wine—if hard was prosperous; now there is more difficulty in making both ends meet, and an increase of emigration would appear to be one of the consequences of increasing duties.* The mountaineers, whenever opportunity offers, willingly exercise some industry. Where there are iron mines they make nails, agricultural implements, gun-barrels, knives, and other articles. Manufactures in wood, wool, and hemp are limited, for the most part, to articles made for the sole use of the family producing them.

13. Public opinion holds that small properties are advantageous on mountain soils, where the spur of ownership is required to compel production. From a social point of view the possession of freeholds may always be considered a benefit to the peasantry, and wherever "la petite culture" is possible it is favourable to agriculture. On irrigated lands small proprietors could hardly exist unless they formed associations for the joint cultivation of the soil. Owing to the non-occurrence of this contingency the irrigated plains of Lombardy are in the hands of large and wealthy proprietors, or, perhaps it may be more properly stated, are let out in large farms to wealthy tenants who are able to make the soil yield its increase.

(B.)—Tenants and Sub-Tenants under Landlords.

Tenure.

1. The average size of the tenancies in the mountain and hill districts and non-irrigated plain is from 2 to 12 hectares. The large estates, which, the subdivision of

* This is a vexed question, as it is said that it is not always the poorest who emigrate. As emigrants are generally able to send home money to their relatives, there is a wide-spread belief that all may better themselves by emigration.

property notwithstanding, exist in the second zone, belong, for the most part, to hospitals and other charitable institutions. In the irrigated plain the average size of the tenancies is from 100 to 300 hectares.

2. Farms held on the métayer system, or for a fixed rent in corn, are the most common in Central Lombardy. Direct leases for a money rent prevail in the lower plain. The ordinary duration of the lease in these last tenancies is for nine years on the smaller estates; from nine to twelve years, sometimes, not often, extending to fifteen or eighteen years, in the larger properties. The leases under which the estates of charitable institutions are held never exceed nine years, and in some districts are terminable at the end of each triennial period. The farms held on the métayer and corn-rent systems are let out by the year, six months' notice to quit being required on either side. They are, in general, allowed to run on without formal renewal for an indefinite period.

The general conditions of a lease in the irrigated plain are as follows:—

The tenant always enters on his farm on St. Martin's day (11th November) and leaves it at the same epoch. He is obliged, however, to make over to his successor in the previous July some of the farm-buildings and a third part of the arable land. The tenant, in addition to the lien which the law gives the proprietor on his farming implements, live-stock, &c., gives further security on mortgage, or pays a year's rent in advance, for which, however, he receives interest at the rate of 5 per cent. The tenant receives the farm from the engineer of the estate under a detailed inventory, in which are minutely described the extent, shape, and particular cultivation of each field—the plantations, locks, bridges, canals, roads, paths, farm-buildings, and their accessories. The tenant binds himself, in general terms, to improve and not deteriorate the land, to maintain a fixed number of cattle, and to use up all the hay, as well as, with some exceptions, the straw, and Indian-corn leaves and stubble. The Government taxes are sometimes to be paid by the proprietor, sometimes by the tenant; but, even in the first case, the farmer has to advance the money when payment is due. The communal and provincial taxes are generally, if not always, at the charge of the tenant.

Rent.

1. The payment of rent for the large farms in the irrigated plain is always in money; but many farms agree to certain obligations, such as the loan of their draught-horses, or the carriage of materials, and the payment of extras ("appendizi") in the shape of fowls, butter, eggs, flax, &c. Some small holdings, chiefly detached fields or meadow-land, are likewise held for a money rent in the mountain and hill districts and non-irrigated plain. But the general system of tenure in these territories is the métayer,—"mezzadria" or "masseria" or "colonia,"—or a modification thereof. The systems in use may be briefly described as follows:—

Mezzadria.—In Lombardy the true "mezzadria" is only preserved in the Province of Bergamo, where it extends not only into the mountain districts, but even over a large portion of the irrigated plain. The "mezzadria" is a contract between the owner of the soil and the peasant, by which the first gives a habitable house suitable for farm uses, with a certain quantity of land not only under proper cultivation, but planted with mulberry trees and vines, the latter with their props. The peasant contributes his labour, and also the working capital in seed, farm implements and cattle. The produce of the soil is divided into equal shares between the two parties. The land and other taxes west of the Adda are generally divided into equal shares between proprietor and tenant; east of that river they are generally paid by the former.

For the house* and meadow-land the rent is paid in money, and though, as has been said, the immediate products of the soil are shared equally between the peasant and proprietor, special stipulations often regulate the division of the grapes and the mulberry leaves, the latter the most important product of the territory. In all cases the total yield of the grapes, as well as of the cocoons, is handed over to the proprietor as the more capable of disposing of the produce to advantage, and he credits the "metayer" with his share.

In addition to the rent and the share of the produce, there are certain extras, under the name of "appendizi" or "onoranze," which the "metayer" agrees to give to the proprietor. These consist of fowls, eggs, and so many days' labour or carriage of materials, if required, and are sometimes commuted for a sum of money.

The associations of four or five families governed by a patriarchal head, and which at one time were characteristic of the system of "mezzadria," though still to be met with in some districts, have greatly fallen off under the influence of modern civilization.

* It would appear that rent is only paid for the house in the most fertile districts.

Corn Rent.—To obviate certain inconveniences which affect the contract of "mezzadria," with special reference to the division of the multifarious products of the soil, a different contract has been substituted and prevails in the Upper Milanese and Province of Como. The vines and cocoons are divided "à mezzeria," the money rent for the house and meadows and the "appendizi" are the same; but the immediate products of the soil are subjected to a fixed rent in kind, generally wheat, as the most marketable cereal, and the one less liable than the others to be injured by atmospheric influences, as being harvested before the season of hailstorms. In light soils, however, part of the rent is occasionally allowed to be paid in rye. The quota of grain varies from 2·75 hectolitres to 8·28 hectolitres, per hectare, according to the fertility of the soil.

Where this contract exists the peasants are divided into two classes—"massari" and "pigionanti." The first, like the regular "metayer," possess cattle and ploughs, and may still be found in the old patriarchal associations of four or five married couples. They cultivate from 5 to 14 hectares of land. The second class are only able to give manual labour, and cultivate from 1 to 4 hectares.

Terzeria.—A further modification of the "mezzadria" system is found in t Province of Brescia, under the name of "terzeria," which alternates with the "mezzadria" throughout the second zone in that province, This tenure varies in the different localities, In some places the produce of the vines and mulberry trees, as well as the immediate products of the soil, are divided into three parts. Of the first, mulberry leaves and grapes, the proprietor takes two-thirds; of the grain, &c., the peasant takes two-thirds. In more sterile districts the grapes and mulberry leaves are divided equally between the proprietor and the peasant, and the latter still retains two-thirds of the grain crops. In the eastern part of the province, however, the peasant becomes a mere "terzaniolo," and receives only one-third of all the products, or, at most, half of the cocoons.

2. The payment of rent on the "metayer" and similar tenancies is not regular. His share of the produce is duly conveyed by the "metayer" to the residence of the proprietor; but for the rest an open account is kept between the parties, which is finally settled at the termination of their connection, though it is made up on the 11th November of each year. Of late years, owing to the disease of the vine and the silkworm, nearly all "metayers" are in arrears with their landlords.

The rent of the money tenancies is generally paid annually, in some cases half-yearly. The annual rent is paid on St. Martin's day (11th November). Various modifications, however, of this arrangement obtain in the several districts of the country, according to the agreement entered into between the landlord and the tenant, and for the convenience of both. Thus, the rent is sometimes paid in three rates in September, December, and March of the following year, or the payment may be made in May, September, and December.

Improvements.

1. Improvements to the buildings, as well as all necessary repairs for maintaining the farm-buildings in habitable condition, are at the charge of the proprietor. If, however, the tenant should request certain improvements or additions to the farm-buildings to be made for his own benefit, he would have to pay 6 per cent, or such interest as may be agreed upon, on the amount expended. All improvements made by the tenant without the landlord's consent are at his own risk, and do not entitle him to compensation.

The improvements to the lands are at the charge of the tenant, who is bound to cultivate the property according to the terms of the Italian Code (Article 1583)—"Da buon padre di famiglia."

Miscellaneous.

1. The relations between proprietor and tenant would appear, on the whole, to be friendly, nor can I learn that any legislative intervention is required to protect the interests of the tenants against the landlords.

The chief difficulties that arise between landlord and tenant relate to the non-payment of rent. In general the landlords are patient and considerate, and, though some complain that the interests of the tenant have been studied in the existing law to the detriment of those of the landlord, this is not the opinion of other competent persons.

2. The method of culture followed by the tenants depends upon the situation of the farms, whether in the irrigated or non-irrigated zone. In Central Lombardy small tenancies prevail; in Lower Lombardy the system of high-farming obtains. It will be necessary to describe the two systems separately.

The principal wealth of the middle zone (Central Lombardy) is derived from plantations of mulberry trees and vines and from wheat. Near the lake of Garda the territory produces oranges and lemons. Olive trees are also to be met with on the shores of the lakes. Maize, rye, and millet are grown in the territory. In the Milanese the payment of the rent in wheat gives the first place to that cereal. In the Province of Bergamo Indian corn is the predominating culture. The cultivation of the potatoe is on the increase. Fodder is scarce, as is also firewood. Beans, lentils, carrots, &c., are grown in the fields, which, under spade husbandry, resemble so many gardens.

The rotation of crops consists, as in the mountain districts, of a continuous alternation of cereals, the fertility of the soil being maintained by animal manure and the ploughing in of green crops ("soveschi").

In the district west of the Adda the quantity of wheat to be cultivated on each farm is fixed by the terms of the lease. To obtain this, under favourable circumstances, three-fifths, or perhaps more, generally two-thirds, of the land must be sown with wheat annually. With the remaining one-third, or two-fifths, the farmer has to restore the fertility of the soil by rotation and manure, to find fodder for the live-stock, which, though not numerous, is indispensable, and obtain from the land sufficient to support himself and his family.

The peasant manages to satisfy the claims upon him as follows: nearly two-thirds of the land, as has been said, are sown with wheat (in light soils occasionally with rye), among which is scattered field clover; the remaining third is cultivated with Indian corn and beans, and a few patches with vegetables, flax, or hemp.

In order to maintain the proportion between the wheat and other productions unaltered, the metayer in the second year sows wheat on the previous year's maize, reserving a small strip for field cabbage ("ravizzone"); after the harvest maize ("grano Turco Agostano") is immediately sown. On half of the land grown with wheat the previous year maize is sown, the other half continuing under wheat, as before. Diversities of culture naturally occur, owing to varieties of soil. In some places millet is sown after wheat, as a second crop. A strip of land is always kept for rye or buckwheat, and a corner is also reserved for potatoes. The soil, with the exception of a small piece of meadow-land on the more extensive farms, lies under a succession of exhaustive crops, and fertility can only be maintained by ploughing in green crops, such as lucerne, beans, colza, &c., and by an abundant use of animal manure.

In the district east of the Adda the farm-contracts, being generally "à mezzadria," are less binding, and leave the peasant greater liberty of choice in the cultivation of the soil. Of this freedom the metayer makes good use in the greater part of the Province of Bergamo; but in the Brescian territory, where the population is more scattered and the plough is used, the minor relative productions of the soil are only compensated by the greater extent of land confided to the peasant for cultivation. The exhaustive character of the crops is, however, amid infinite varieties of culture, common to the whole middle region of Lombardy.

The extraordinary productiveness of the southern plain is owing entirely to the extensive system of irrigation, which has created an artificial fertility on a soil for the most part little favoured by nature. In 1856 the superficial area of land irrigated in summer was calculated at 427,200 hectares, exclusive of the territory of Lomellina—a well irrigated district at that time included in the Kingdom of Sardinia—and this area has doubtless been extended during the last twelve years. That portion of the Lombard plain which lies to the west of the Adda is watered more abundantly than the territory situate to the east of that river. It also differs to some extent in the quality of the soil, the methods of cultivation, and in its products.

Of the western division of the plain rice-fields and meadows, on which large herds of cattle graze, form the principal features. On the eastern side the cultivation of rice is less frequent, the vine and the mulberry tree are extensively planted, while meadow lands are comparatively rare. Wheat is grown in the Province of Milan, and in large quantities on the heavy clay soils of the Provinces of Brescia, Cremona, and Mantua. The cultivation of Indian corn is very general; flax is chiefly grown in the eastern plain, and hemp at its southernmost extremity. The market-gardens in the neighbourhood of Milan deserve mention, from the large quantities of vegetables, especially cabbages ("cavoli"), that they produce. The well-known grana cheeses, commonly called "parmesan," are made in the well-irrigated districts of the western plain. In the light soils the plough is drawn by horses; in the heavy ground by one or more yoke of oxen.

The rotation of crops varies in the different districts, and even from estate to estate; but the following examples may serve to show some of the principal methods of cultivation:—

Western plain (Lomellina, Province of Pavia):—1st year, rice; 2nd year, wheat, with clover sown among the grain; 3rd and 4th years, meadow; 5th year, Indian corn. Sometimes the rotation is sexennial—the first two years as above, then 3rd, 4th, and 5th years meadow, and the 6th Indian corn.

In the Lower Milanese, where rice is grown, a rotation of nine years is common—three years rice, three years meadow, and three years wheat and Indian corn.

The rotation of the district of Lodi is as follows:—

1st year, maize-land, well manured and ploughed up four times.

2nd year, wheat. After the harvest a spontaneous growth of clover springs up, a peculiarity of this division of Lombardy.

3rd, 4th, and 5th years, meadow, manured.

6th year, spring flax, then millet, or, instead of the millet, 40-day Indian corn (quarantino).

In the eastern plain the rotation of Cremona is as under:—

1st year, maize, land well manured.

2nd year, wheat, with clover, sown (as in Lomellina).

3rd year, meadow, manured if possible.

4th year, flax, then millet, or 40-day maize.

Sometimes the meadow is maintained two and three years in succession.

In Lombardy, generally, flax follows the meadow in rotation, *i.e.*, after one year in the territories of Brescia, Como and Cremona; after two years in those of Milan and Pavia; after three years in the district of Lodi.

In this region of North Italy, as may also be seen from some of the above rotations, it is possible to obtain two successive crops in a year; thus after flax, millet or 40-day maize is sown; after clover, at the end of May, maize or rice may be cultivated; after rye, cut in mid-June, maize or flax; and after wheat, harvested at the end of June or the beginning of July, 40-day maize or millet.

Milan, the climate of which may be taken as representing the average condition of the plain generally, has a summer like that of Rome and Cagliari, and a winter colder than that of Paris. At Milan, in an average of 92 summer days there are only $3\frac{1}{3}$ days' rain. These special characteristics of temperature, with the help of irrigation, enable the varied produce of the country to be cultivated with success.*

The proportion of arable to meadow land in the hill districts and non-irrigated plain, as well as in great part of the eastern division of Lower Lombardy may be taken as four-fifths to one-fifth; in the western division of the south plain this proportion is reversed, meadow lands forming two-thirds, three-fifths, and even four-fifths of the total cultures.

The meadows are of three different qualities: permanent meadows, artificial meadows in rotation, and winter meadows or "marcite." The fodder, either green or dry, differs according to the quality of the meadow in which it is produced, and the season in which it is cut.

Other conditions being equal, the best hay is made from the permanent meadows, which are only irrigated in the summer. They yield three crops; one in May, the second in July, the third in September. After the last, the cattle are turned on to the meadow to graze. It is only on the most fertile fields that the fourth crop (quartirolo) is cut and made into hay, supposing the month of October to be favourable.

The artificial meadows in rotation are chiefly formed of red field-clover, or rye grass, both sown among the wheat; the grass and hay are rather coarse, but very nourishing. In the territory comprised between Milan and Lodi, and in part of the Province of Pavia, the white clover (*trifolium repens*) springs up spontaneously after the wheat harvest, and supplies excellent fodder to the cattle which produce the milk from which the grana cheese is made. In the artificial meadows three, and occasionally four, crops are cut.

The winter meadows, or "marcite," are an exclusively Lombard—almost a Milanese production. These meadows have this peculiarity—that they are constantly under irrigation in winter as well as in summer. The land is divided into several compartments, so that the surface may be always covered with a thin sheet of running water, which maintains the activity of the vegetation even during the cold weather. For the "marcite" the waters of the nearest springs are preferred (the cold not having had time to act on them), or the streams laden with town sewage.

A heavy crop is cut in these meadows every sixty or seventy days, and in those

* "Les Produits de l'Agriculture du Piedmont, de la Lombardie, et de la Venetie." Par le Ch. Gaëtan Cantoni. Paris, 1867.

irrigated by the waters of the Vettabia (which contains the sewage of Milan) every forty or forty-five days, so that from six to nine crops are obtained per annum. Vegetation continuing throughout the year, the cows, except during one month, are constantly fed on green fodder, a fact having great influence on the quantity of milk produced.

In order to obtain the greatest profit from the meadows, large numbers of cows, besides draught oxen and horses, are kept on the farms, which are well provided with stabling, cow-houses, hay-lofts, &c. To make a "forma"* of cheese per diem not less than 50 cows are required, and on some farms as many as 120 and 160 head are kept. When the cows on the farm are few in number, the owners either join together in making the cheese, or sell the milk to the professional cheesemaker.

In this district milk is the chief product and its quality is such as to require to be made into butter and cheese. No stock are, therefore, bred on the farms, the young calves being sold when a fortnight old. The cows are imported chiefly from the Swiss cantons of Schweitz, Lucerne, Zug, Uri, and Unterwalden. Brought into Lombardy when three or four years old, before they have completed their full growth, and fed on the tender and succulent herbage of the plain, they fill out and grow so rapidly that a cow of the largest breed, called "matronale," where there are "marcite" will give forty and more Milanese brenti of milk per annum. The Swiss cows, born in a healthy climate, fed on aromatic herbs, and carefully bred, are of sound constitution, and capable of resisting the inclemency of the seasons. They are good milkers, long-lived, and subject only to ordinary maladies, for which reasons, and not because they differ physiologically, they are preferred to the native breed. Any cow fed on the grass of the Lombard plain would give milk fit for grana cheese.

Droves of pigs are fed on the refuse of the milk.

In the hill district and non-irrigated plain every peasant keeps one or more head of cattle for draught purposes where the plough is used, but cows, where spade husbandry predominates.

The breeding of live-stock shows a tendency to improvement, and might become a source of considerable property to the country, as a nursery of cows required for Lower Lombardy.

For the sake of their manure the cattle are usually kept in the stable. In summer they are fed on hay or green crops. In winter, on hay mixed with Indian-corn leaves and stalks. They are chiefly pastured in the fields in the autumn.

But little care is, in general, taken of the sheep and goats, from the milk of which mountain cheeses are made. Sheep are, however, exported to some extent, and the Bergamese is a good breed.

The following Tables show:—(1) The product, per hectare, of the different kinds of meadow land; (2) The yield, weight, &c., of the various agricultural products of Lombardy.

(1.)—TABLE showing the Product per Hectare and per Annum of the different kinds of Meadow Land (irrigated) of Lombardy.

Permanent Meadow Product, per Hectare, in Quintals.	Artificial Meadow in Rotation Product, per Hectare, in Quintals.	Winter Meadow or "Marcite" Product, per Hectare, in Quintals.
1st crop hay .. 40 quintals.	1st crop hay .. 35 quintals.	1st crop grass .. 105 quintals.
2nd " " .. 35 "	2nd " " .. 40 "	2nd " " .. 150 "
3rd " " .. 25 "	3rd " " .. 25 "	3rd " " .. 180 "
100 "	100	4th " " .. 120 "
		5th " " .. 90 "
Weight (dry) per cubic mètre:	Weight per cubic mètre rather less than that of hay from permanent meadow.	6th " " .. 60 "
1st crop .. 117·80 kilogrammes.		Grass .. 705 "
2nd " .. 136·10 "		Reduced to hay .. 141
3rd " .. 150·90 "		But the produce of the "marcite" is always used as green fodder. The above is for an ordinary water-meadow: the produce per hectare, when irrigated by the waters of Vettabia, would amount to 1,400 quintals of grass.

* A "forma" is one cheese, weighing from 50 to 90 kilogrammes. To make it, from 6 to 12 hectolitres of milk are required, to produce which from 50 to 90 cows are wanted.

(2.)—YIELD, Weight, &c., of the various Agricultural Products of Lombardy.

Agricultural Products.	Quantity sown per Hectare, in Hectolitres.	Produce per Hectare, in Hectolitres.	Weight per Hectolitre, in Kilogrammes.	Remarks.
Wheat (*Trit. Sativum*) ..	1·80 to 3	10 to 20, average 12 to 13	75 to 82	
Indian corn, "Maggiengo" ..	according to whether the grain is scattered or sown in line	65 to 75	72 to 75	
,, "Agostano" ..		45 to 50	75 to 78	
,, "Agostanello" ..		30 to 35	68 to 72	
,, "Quarantino" ..		20 to 25	60 to 80	
Rice, "Nostrale"	2 to 3	1st year, 40 to 50	50	
,, "Novarese"	.. ..	,, 90 to 100	43	
,, "Mellone"	.. ..	,, 90 to 100	54	
,, ,, ...	.. ..	2nd year, 60 to 70	60	
Barley	as wheat	22 to 25	60 to 70	
Rye	ditto	15 to 23	75 to 80	
Oats	2 at most	36 to 45	44	
Buckwheat, "Grano Saraceno" ..	0·50	23	60 (with husk)	
Millet	.. ..	28	.. ..	
Flax, autumn	150 kilogrammes	*Harl, 270 to 300 kil.	Total weight, including seed, 5,000	Filasse.* Oil, 28 per cent.
,, "Marzuolo"	250 to 300 kilogs.	Seed, 7 to 8 hect. Harl, 130 to 150 kil.	Total weight, 3,000	
Hemp	1·10 to 1·40 hect.	Harl, 1,000 kilogs.	.. ..	

When speaking of the system of tenures in the eastern division of the Lower Lombard plain, the existence of "metayer" farms in the Gera d'Adda,* an irrigated district, as well as in irrigated portions of the Province of Bergamo, should have been noticed.

The want of fertility of the soil in the Gera d'Adda compelling attention to the plantations not only of vines and mulberry trees, but also of peach trees, is the cause of the adoption of the system in this district. In the Province of Bergamo the tenure differs in no way from that in force in Central Lombardy, save that the peasant pays for his water rights. The agricultural results of the system cannot, however, be considered as favourable, unless the farm is of sufficient size to place no obstacle in the way of the advantages to be derived from irrigation.

In considering the position and character of tenants, as compared with the small proprietors, it must be borne in mind that the large tenant farmers of the lower plain are men of considerable capital, and often of education, who are in no way connected with the peasantry. They live as well-to-do members of the middle class, eat, drink, and dress well, and drive their carriages. Their children are often educated for the liberal professions.

The "metayers" are peasants, as are the small proprietors of the mountain districts; of the same class are the hired labourers of the plain. It will, therefore, be necessary to consider the rural population of Central and Southern Lombardy under one head. The small proprietors have already been noticed under (A).

But first must be mentioned the "fattore" or "castaldo," the steward or bailiff, who, on the larger estates, often represents the proprietor, administering the whole property and enjoying a confidential position. The "fattore," as the *alter ego* of the proprietor, possesses considerable influence among the peasants, from whom he is widely separated by position and education; but his knowledge of agriculture is generally empirical.

The proportion the cultivators of the soil bear to the extent of cultivated land in each province is shown in the following Table, which, however, refers to the year 1854:—

Province.	Land under Cultivation in 1854, in Hectares.	Male Villagers (Villici) above 18 years of age in 1854.	Proportion of Cultivated Land per Villager, in Hectares.
Milan	155,880	94,585	1·64
Brescia	186,803	66,757	2·79
Bergamo	153,038	8[illegible]5	1·79
Cremona	118,208	3[illegible]0	3·15
Como	100,252	82,476	1·21
Lodi and Crema	97,048	35,076	2·76
Mantua	205,541	47,470	4·33
†Pavia	87,563	29,110	3
Sondrio	28,392	24,136	1·17
Total	1,132,735	502,205	2·32

* This district extends from Gera d'Adda, on the left bank of the Adda, to the neighbourhood of Lodi.
† Not including the districts belonging to this Province attached, in 1854, to Piedmont.

Central Lombardy.—Few hired labourers are employed in this zone, except in the Provinces of Brescia and Bergamo, where many mountaineers come down to the lower lands to work in the fields during the busy season. The peasants belonging to this region who look solely to hired labour for a livelihood are few in number; even the extra hands employed by the "metayers" for the harvest are sometimes attached to other estates on which they have constant work. The wages paid are from 1 to 2 lire per diem in summer, and from 80 centimes to 1 lira in winter. The labourers provide their own food.

Proprietors who manage their own meadow land sometimes employ casual hired labourers; but, in general, they make use of the "metayers" residing on their own property, who are obliged, by the conditions of their contract, either to give a certain amount of gratuitous labour, or to work when required at reduced rates, varying from 50 to 75 centimes per diem in summer, and from 30 to 60 centimes in winter.

The women are little employed in field labour in Central Lombardy. They find work in the silk and cotton mills, the agricultural and industrial population of this region not being distinct. In the winter, when they have no other occupation, they spin the flax grown on their small farms.

The houses of the peasantry in general are poor, but not squalid, as the breeding of the silkworms compels them to be built of a certain size, and to possess tolerable ventilation. The country people dress decently, especially on fête days; the men in fustian and cotton velvet, the women in cotton prints. These last, to the west of the Adda, wear a head ornament composed of long pins, which are often of silver. Their food is poor, and meat is only seen on great occasions. In the Upper Milanese and lower districts of Como the chief food is bread, made of mixed maize, rye, and millet flour. In the Provinces of Brescia and Bergamo polenta (Indian-corn meal) is principally eaten. The morning meal is always composed of bread or polenta. The dinner consists of rice-soup (water and rice, with sometimes a little lard), with turnips and cabbages. In the Upper Milanese polenta (maize flour), mixed with vegetables, and flavoured with a little bacon, is a favourite dish; cheese or milk, sardines or eggs, are sometimes added as a relish. In summer the quantity and quality of the food is, if possible, increased, and on large farms a little wine is given. In the poorest districts a bad heavy bread is made, and here pellagra* is very frequent.

The poorest and most wretched peasantry are to be found in the rich Province of Milan. As a connecting-link between the two regions of Central and Lower Lombardy, I annex a description of the present condition of the agricultural population of this district, taken from an official document published in 1868†:—

"If the cities and towns ('borghi') have of late years improved in general cleanliness, the same cannot be said of the country villages. With the exception of a few "metayer" farm-houses of recent construction in the district of Mouza, and some large farm-buildings in parts of the Lower Milanese and the district of Lodi, nothing can be more miserable and unhealthy than the 'cascine' of the peasants. The cottages are low and ill-ventilated, with small windows. On the lower storey the flooring is of beaten earth, which softens under the influence of damp, and helps, with the smoke from the fire, to corrupt the air. In the rooms of the upper storey, which are too small for the wants of the inhabitants, six, eight, or even more persons are often lodged. They are low and ill-ventilated, and not seldom without windows, while from the ceilings hang the store of ears of Indian corn. The stables, badly built, and most filthily kept, in the winter evenings shelter one or more families, in order to save fuel. The dirty courtyards, channelled with the overflowings of the rain-pipes, are generally occupied by dung-heaps in the centre, while at the sides ditches, slightly covered with straw, or stalks of Indian corn, perform the office of cesspools. The lanes of the hamlets are ill-paved, if paved at all, and often serve as receptacles for the filth of the houses fronting them. To the above deplorable hygienic conditions may be added, for the communes near large centres of population, the improper method of transporting sewage in open vessels, and the manner in which it is spread over lands, in great part destined for the cultivation of garden stuffs."

Lower Lombardy.—In the southern plain, the estates being generally in the hands of large farmers, the peasants are reduced to the condition of hired labourers, though even in this zone, wherever the nature of the cultivation admits, the peasant is interested in the results of his labour by receiving a share of the produce.

* Pellagra is a skin disease, accompanied after a time by diarrhœa, and ending insuicidal monomania—always drowning.

† "Annotazione Statisitche sul Cholera della Provincia de Milano—Epidemia del 1867." Dr. E. Pellegrini and five other doctors, members of the Provincial Sanitary Commission.

The occupations and condition of the labourers vary as they are employed on the large dairy farms of the south-western districts, or on the grain-growing estates to the east of the Adda.

The labourers of the south-west plain may be divided into four categories:—"famigli," "garzoni," fixed day-labourers, and occasional day-labourers.

The "famigli" are the regular farm servants and have care of the cows. They are divided into head, ordinary, and apprentices ("mattell"). Their wages differ somewhat from territory to territory, but those of the ordinary "famigli" may be taken as follows:—

Average summer wages (from St. George's to Michaelmas day) 25 lire 85 cents. per month; for the three winter months 8 lire 25 cents. per month, and for the rest of the year about 12 lire 85 cents. per month, making a total of about 206 lire 90 cents. per annum. These wages are for adults—unmarried men—as is exclusively the case on the estates cultivated in winter meadows ("marcite"). They have no share in the products of the soil, but are fed, receiving two Milanese lbs.* of Indian-corn bread, or its equivalent in polenta, per diem in summer, and 1½ lbs. of bread in winter, two or three mezzi (of about half a litre each) of milk in the morning, and two rice-soups. On Sundays a little sausage.

When the "famigli" are married, which is generally the case where meadows do not form the sole cultivation, their money wages are less, but they obtain the following advantages: a cottage and garden-plot gratis, fire-wood, half the greens and flax cultivated on a small plot of ground allotted to them, and the "diritto di zappa," or right of culture, which consists of the cultivation of a portion of land sown with Indian corn or rice, the produce of which the cultivator shares, in unequal portions, with the farmer.

Of the Indian corn the labourer usually receives one-third, but sometimes only one-fourth, of the gross produce. On the rice-fields he has one-fourth of the yield in the compartment under his care. The seed is provided by the peasant, with one-eighth over. With the exception of ploughing, manuring, and threshing, all the charges of the cultivation are borne by the labourer. In a good year the peasant may obtain for his share of the produce six or seven hectolitres of rice and the same quantity of Indian corn, so that on an average his gains per diem, one year with another, may be calculated at about 1 lire 60 cents.

It commonly occurs that the unmarried "famigli" are members of a family having the "diritto di zappa," or that two families live under one roof. In these cases the condition of the peasantry, where rice and Indian corn are cultivated, is tolerably good,—on the whole better than that of the artizans of the towns. The apprentices† are paid less, and no unmarried men enjoy the "diritto di zappa," which requires the help of the younger members of the family to assist in its cultivation.

The "garzoni" are divided into "cavalanti," "bifolchi," and "fatutto," who are again subdivided into "capo cavallanti," "sotto cavallanti," and "cavallantino," "capo bifolco," "sotto bifolco," and "bifolchetto." The "cavallanti" are attached to the horses; the "bifolchi" to the oxen, as ploughmen, carters, &c.; the "fatutto," as their name implies, make themselves generally useful.

The money wages of the "cavallanti" and "bifolchi" amount to from about 68 lire to 90 lire per annum, besides food, for which, however, an equivalent is sometimes given in money; they are always married, and have house, garden-plot, and "diritto di zappa." The lower grades and the "fatutto" are not married; the latter, besides food, receives about 115 lire per annum, but no cottage: he sleeps in the hay-loft.

The poorest of the peasants of the lower plain are the fixed day-labourers, the "paesani" or "falciatori d'orba" ("omen de ferr"), who are very numerous. They are hired by the year, and receive about 78 centimes [illegible] in summer, and sometimes only from 46 to 68 centimes in winter; they are, however, always fed, but in less quantity than the "garzoni." By working early and late they may succeed in gaining something extra, as also when works of irrigation, or other improvements, are undertaken by the proprietor. They pay rent, about 30 lire per annum, for a small cottage and garden. These day-labourers, whose wages are low and their lodging squalid, bear poverty depicted on their faces. They are at the worst, however, where meadows only are cultivated. If a considerable portion of the estate is in arable land, and the labourers are married, they have a "diritto di zappa," with somewhat less money wages, but their condition is preferable.

The occasional day-labourers or "giornalieri di piazza," work for whoever may

* Probably the "libbra grossa." † Apprendisti.

want them, and their wages vary according to the season and the demand. They are greatly in request where rice-fields prevail, and sometimes cut the corn crops by contract. Occasionally they may make 3 lire per diem, but, as they are, in some seasons, obliged to take work at any price, their condition is very precarious. Their wages, on an average of the whole year, may be taken at from about 1 to 2 lire per diem, with food; 1 lira 50 cents. to 2 lira 40 cents., without food. As belonging to the same category may be noticed the 7,000 or 8,000 mountain peasantry who, every year, come down from the Apennines to work in the plains until their own scanty crops shall be ripe.

The numbers in which these different categories of labourers are maintained vary according to the nature of the cultivation.

Where meadows predominate the "famigli" are the most numerous, one, at least, being required for every fifteen cows, as also the fixed labourers for cutting the hay. Where rice-fields prevail the "garzoni" and occasional labourers are employed. Where the land is chiefly under tillage crops the "garzoni" are the principal labourers.

The peasants of this division of the lower plain are ill-lodged, their cottages are generally full of water, and they are badly fed; they suffer greatly from intermittent fevers.

The other rural classes found in the western plain have still to be noticed. They are the "fattori," "campari d'acqua," "casari," and "sotto casari."

The "fattore" of the lower plain differs greatly from his namesake of Central Lombardy. Here he is under the direct superintendence of the farmer, and is chosen generally from the class of "garzoni" among those most distinguished for honesty and intelligence. He receives double wages, and enjoys a certain degree of consideration.

The "camparo d'acqua" regulates the irrigation of the fields, and his position is between that of the "fattore" and the simple peasant.

The "casaro," or cheesemaker, stands in a better position than all. The "casari" may be said to form a species of caste; they surround their craft with as much mystery as possible. Their wages in money and kind equal from 2 to 3 lire per diem. They are fully conscious of their importance as the arbiters of the most valuable product of the country, and are held in great considerarion by the farmers, with whom they treat as equals. The "sotto casaro" receives from half to one-third the wages of the "casaro." He is often unmarried, in which case he is not entitled to the "diritto di zappa."

The condition of the peasants of the eastern plain may, generally speaking, be considered as more favourable than in the western. The share they have in the cocoons, when successful, is an important element in their prosperity, and the cottages, where the silkworms are bred, are more spacious and airy than those to the west of the Adda.

The agricultural contracts made with the peasantry of this district are of two kinds:—first, the hired labourers; second, the contracts of "mezzadria," similar to those of Central Lombardy, and which need not be further alluded to here.

The hired labourers are divided into "bifolchi," "cavallanti," and "braccianti." The two first correspond to the "garzoni" already described; they are paid in the same manner, and at the same rates, the chief difference being that the "diritto di zappa" produces more in this territory, rendering the condition of the peasants more tolerable.

The principal products which are shared between the farmer and the peasant are cocoons and Indian corn, then millet, in districts where this grain is grown, and linseed. The flax is not divided unless the family of the labourer undertake its preparation. Wheat, rye, and oats are excluded from the division, though in some districts the peasants have a right to them. The quantity of Indian corn which falls to the share of the cultivator varies from one-third to one-fourth of the yield, according to the degree of fertility of the land. In this district the amount per "zappa" may equal from 12 to 14 and even 16 hectolitres. The Brescian peasant receives only one-fifth of the Indian corn, but has a larger share of the linseed, which, however, does not compensate him for the diminution, and he is not so well off as the labourer of the Province of Cremona.

The "braccianti" day-labourers are divided into "obligati" and "non-obligati." The first assist the ploughmen; the second are employed solely on manual labour. They pay a rent for their house, and receive fixed wages which vary greatly. In some places they are paid 45 cents. per diem for every day in the year, and double in harvest time; in others 65 cents. per diem only when they are wanted. Altogether

they receive in money about 200 lire per annum, which, with the "diritto di zappa," gives them a yearly income of about 333 lire. Each married couple having a "diritto di zappa," a combination of two or more of the same family renders their position much more satisfactory.

The occasional day-labourers are few in number.

In the Province of Cremona there exists a class of "braccianti" differing considerably from that above described. The proprietor rents out to the peasant a cottage and little field of from ¾ to 1¼ hectares, with the obligation of working for him on his property when required at from 65 to 75 centimes per diem in summer, and 45 to 55 centimes in winter. These peasants are the poorest of all, and are not to be envied even by the fixed labourers of the meadow lands. Only a favourable yield of cocoons can save them from want.

The moral condition of the peasants of Lower Lombardy is less satisfactory than that of the agricultural population of Central and Upper Lombardy. They have not the same affection for the soil, and pass with great indifference from one farm to another. Although they share in the produce of the land through the "diritto di zappa," the principle of division of labour adopted in the plains renders the peasant an instrument instead of a director. He is not obliged to concentrate all his intelligence on a small holding, but is ordered now to one field, now to another, on a large estate. Between the farmer and the fixed labourer, if there is no dislike, there is no affection—they are not friends, but friendly acquaintances. Where, however, there are many fixed and occasional labourers without the "diritto di zappa," in years of scarcity unfriendly feelings prevail.

The dress of the peasants of the lower eastern plain is similar to that of the inhabitants of Central Lombardy. The women are, however, not so smart or neat in their appearance. Children are here regarded as a source of well-being, because even the youngsters are able to gain a little at light work, and because the more manual labour they can provide the larger extent of ground the "diritto di zappa" embraces.

The peasants to the east of the Adda have, however, a future before them. An honest, intelligent man may aspire to the position of "fattore," from "fattore" he may become farmer, from farmer proprietor. Examples of families of peasants who have thus risen in the social scale are not rare. West of the Adda this rise is almost impossible.

On comparing the relative conditions of the rural population of Lombardy, the first place, for the possession of the chief necessaries of life, must be given to the peasants of the eastern plain to whichever class they belong, whether "metayers" or hired labourers, as far as, but exclusive of, the "braccianti non-obligati," and also the "braccianti" of the Province of Cremona.

Next in order come the peasants of Central Lombardy cultivating the land as "metayers." Then, if the gains derived from employment in the silk and cotton mills be taken into account, follow the "massari" of Central Lombardy to the west of the Adda; in about the same rank may be classed the "famigli" and "garzoni" of the western plain, in parts where rice and Indian corn are cultivated. The last place is held by the "pigionanti" of the Province of Milan, the "terzanioli" of certain territories of Brescia, the "braccianti" of the Province of Cremona, and the fixed and occasional day-labourers of the lower plain.

The condition of the small proprietors of the mountain districts varies considerably according to the extent of their properties and the amount of their debts. The greater number cannot, however, be said to be better off than the peasants of the western division of Central Lombardy.

4. The peasants of the lower plain of Lombard[illegible] much given to emigration. From the mountain districts the emigration is mu[illegible]derable, and may be divided into two classes—temporary and perpetual.

The temporary emigrants leave their mountai[illegible]arch of work; from the highlands of Bergamo as porters at Genoa; and [illegible]om the hill districts o[illegible] Como as masons, who are found in all parts of Europe, a[illegible] work[illegible]in copper ("ramieri"), as potters ("vasellaj"), &c., each commune sending out mem[illegible]s of the same craft. In the course of time they return to their homes, not unfrequently with a small competence to be invested in land—the dream of their existence.

The perpetual emigrants, chiefly derived from the same districts, have become very numerous, from the great, distress of late years, owing to the failure of the silk-worm and the disease of the vine. They leave their nati[illegible] land for South America. At Buenos Ayres and Monte Video large colonies of Itali[illegible]s are [illegible]blished.*

* Neither the large farmers of the plains nor their children emigrate.

8. Public opinion would appear to hold that the systems of tenure in use in Lombardy are, on the whole, suited to the nature of the country and of the products. In Upper Lombardy, where none but an owner would labour to force the precipitous hill-sides into verdure, small properties predominate. In Central Lombardy, where the multifarious products of the soil—the vine, the mulberry tree—require, if not the ownership, at least, the interested co-operation of the cultivator, the "metayer" system prevails. In Lower Lombardy, the region of meadow lands, and suitable for high farming, large tenancies are conducted by farmers of capital and experience.

It would be impossible to compare with any profit these different tenures the one with the other: from an agricultural point of view each system has its merits and demerits under different circumstances. From a social point of view, and looking to the well-being of the peasant, there is no doubt but that his position is improved wherever he shares in the produce of the soil, and that he is more independent in spirit as a small proprietor, unless his freehold be too small to enable him to make a living from the land.

The principal disadvantages of the "metayer" system would seem to be found in the stationary character of the cultivation. A modification of this system would appear, however, always to be convenient in districts where small farms prevail, where the products are varied and the population dense. The system is founded on the good faith of the parties to the contract, and, perhaps, was more universally applicable in patriarchal times than in the present day, as may be inferred from its decrease in districts where the method of cultivation allows a rent in money to be substituted. This change may be considered to the detriment of the peasant, if he becomes a mere paid labourer, though, by an association in the products of the soil under a farmer, his hold on the necessaries of life may be more assured than when he managed matters himself on a small holding, bnt then he has lost his independence.

With reference to the simple leases for a money rent which, alone, are practicable under the system of high farming carried on in the lower plain, it would seem to be the general opinion that the term of tenancy of from nine to twelve years is not long enough to enable the farmer to do full justice to the land and to himself, while the system of putting up the leases of estates belonging to charitable institutions for competition by public auction is spoken of in terms of general condemnation by competent persons.

M. Jacini, in his admirable work on Lombardy,* on which these notes are chiefly based, seeking a remedy for the defects in the system of location in use in Lombardy, points to a lease which may be met with on a limited scale in the plain of La Beauce, in Central France, and which he describes as follows:—

"The tenancies are for short terms—six, seven, nine years at the most. At their termination, if the tenant propose to renew the lease at an increased rent, then a clause which is inserted in the contract comes into effect. This clause is as follows: should the tenant offer to renew his lease at an increased rent, the proprietor may either accept or refuse his offer, but, on refusal, he is obliged to pay down to the tenant a sum of money corresponding to three times the amount of the increase of rent offered. Thus, if a tenant pay eighty francs per hectare, and offer, at its termination, to renew the lease at an increase of five francs per hectare, and the proprietor reject his offer, the latter must pay down a sum of fifteen francs per hectare, or permit the tenant to deduct that amount from the last year's rent."

This lease would appear to have fixed the attention of some agriculturalists in Lombar[illegible], and the syst[illegible]m has been adopted on property belonging to the hospital of gres[illegible]

D. E. [illegible]

January, 1[illegible]

[illegible]easures used.

	..	3·995	English perches.
1 are, equal to	..	2·47	,, acres.
1 hectare, [illegible]l to	..	2·20	,, lbs. avoirdupois.
1 kilogramm[illegible] equal t[illegible]	..	220·466	,, ,, ,,
1 quintal, equal to .. [illegible]ual to	..	1·68	,, ,, ,,
1 Milanese lb. ("libbra g[illegible]	..	1·76	,, imperial pints.
1 litre, equal to ..	..	2·75	,, ,, bushels.
1 hectolitre, equal to .	..	18·86	,, ,, gallons.

1 Milanese brent[illegible] equivalent to the French franc.

[illegible]icole in Lombardia." Studj Economici di Stefano Jacini.

* "La Proprieta [illegible] Terza Edizione. Milano e[illegible]

In drawing up the foregoing notes, I am specially indebted to the kindness of M. Jacini for his personal assistance, as well as for the help afforded by his work on Lombardy. My best thanks are also due to Mr. Vice-Consul Kelly, of Milan, for his constant co-operation, and to several other gentlemen who have most courteously favoured me with much useful information on the subject of Lombard agriculture.

D. E. C.

PART III.

BOMBAY BRANCH
OF THE
Royal Asiatic Society.
CLASS

REPORTS

FROM

HER MAJESTY'S REPRESENTATIVES

RESPECTING THE

TENURE OF LAND

IN THE SEVERAL

COUNTRIES OF EUROPE.

(In continuation of Papers laid before Parliament March 29 and April 5, 1870.)

by Command of Her Majesty.

AND SONS.

C.—271.] Pr

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Reports from Her Majesty's Representatives respecting the Tenure of Land in the several Countries of Europe.

PART III.

[In continuation of Papers laid before Parliament March 29 and April 5, 1870.]

No. 1.

Mr. Burnley to the Earl of Clarendon.—(Received May 9.)

My Lord. *Dresden, May 6, 1870.*

UNDER[illegible]tructions contained in your Lordship's Circular despatch of the 26th Aug[illegible]year,* I have the honour to forward to your Lordship a Report on the gener[illegible]f land tenure in Saxony, for which I am indebted in the main to the Secret[illegible]resden Chamber of Commerce, and to an eminent lawyer for those portions[illegible]Saxon laws had to be consulted.

I regret [illegible]nstances not under my control have prevented my forwarding this Report a[illegible]r date.

I have, &c.
(Signed) J. HUME BURNLEY.

Inclosure in No 1.

Report respecting the Tenure of Land in Saxony.

Nam[illegible] Country.—Saxony.

Ex[illegible]—272·645 square miles, equal to 2,712,070 Saxon acres (100 Saxon acres equal [illegible]6·896 English acres).

P[illegible]lation.—According to the census of 1867, 2,423,586 inhabitants. Of this numb[illegible], 38·61 per cent. live in 112 towns; 61·39 per cent. in the country, distributed over [illegible]359 [illegible]he average density of the population for the whole country to the [illegible]ar[illegible] in the most densely populated districts, 17,758; in the less d[illegible]4,078.

[illegible]97·45 per cent. are Lutherans; 0·23 per cent. are [illegible]holics; 0·17 per cent. are German Catholics; [illegible]ther confessions.

[illegible]f 1861 the working population of Saxony [illegible]d and forest culture; 52·89 per cent. in [illegible]anufactures; 8·48 per cent. in scientific [illegible]; 5·72 per cent. without calling or

[illegible]strial country, and becomes so more and [illegible]e of the whole population, 45·20 per cent. [illegible]ds, and 34·27 per cent. in land and forest

[illegible]n (self-workers and those depending on

[illegible] will be found in Part I of Land Tenure Reports laid

them), 25·12 per cent. are tillers of the ground; 56·12 per cent. in industry; 7·77 per cent. in commerce and manufactures; 6·86 per cent. in scientific pursuits, &c.; and 4·13 per cent. without calling.

Land Occupation.

As a general rule the owners work their own estates. Tenancies (with the exception of small lots in the neighbourhood of towns and industrial centres) are only to be met with on larger estates. Sub-tenancies are extremely rare, and intermediate tenancies do not exist at all.

(A.)—Small Proprietors.

About 45 per cent. of the whole of the owners of land do not hold as much as 3 acres, including outhouses and gardens, and are of no agricultural importance. Leaving these out of account, it would appear that 36·67 per cent. hold properties of from three to ten acres, forming a complex of 160,000 acres (8 per cent.); 60·97 per cent. middling-sized properties, from 10 to 100 acres, forming a complex of 144,000 acres (69 per cent.); 2·36 per cent. larger properties from 100 to 1,000 acres, forming a complex of 490,000 acres (23 per cent.)

From the above statement, it will be seen that 69 per cent. of the agricultural area is held by the middle-class owners; 23 per cent. by landed proprietors in the English sense, and 8 per cent. by smaller proprietors.

Property is usually held together, and is not intersected by other properties, more particularly as regards the Lansitz and other highlands.

Formerly, in the lowlands, property was somewhat subdivided, but never to the extent that it has reached in South Germany, as the general size of small holdings still averages 1½ acres, and in many districts they have been thrown together, and the evils of a too great subdivision avoided. The ordinances of June 14, and July 23, 1861, tend to assist and encourage this system.

The division of properties is, in fact, kept within certain limits by a law of November 30, 1843, which enjoins that only one-third of the acreage of what is called here a "Geschlossenes Güt," can be separated from it. Divisions of vineyards, ground for scientific purposes, for industrial establishments, for building purposes, for laying out market gardens, or for public purposes, are the exception to the law. Government has, at the same time, full power to dispense with the law by allowing the maximum of one-third to be exceeded.

The laws regulating the descent and division of landed property do not differ in Saxony from the laws regulating inheritance generally.

Landed property, like every other property, unless some particular testamentary provision has been made, goes in equal parts to the heirs; but as land cannot, like money, be divided, the heirs become co-proprietors, and, for the purpose of partition, it has to be sold to one of them or to a third party.

By testament, it can be devised that a property shall continue on within fixed rules for a longer or shorter period, in the hands of one family, technically called a "Familien fideicommis;" but, at the same time, this provision, in order to have binding effect on a third party, must be duly registered on the Land and Mortgage Register. On the death of the last of the heirs, such a property ("Fideicommiss Güt") can pass disencumbered into the hands of a third party.

The latter arrangement may take effect at an earlier [illegible] heirs has died out if a family council unanimously [illegible]

The exception to the general rule regarding [illegible] very few "Rittergüter" or seignorial [illegible] attached to them. Where it does exist [illegible] mode of inheritance is, however, gradually [illegible] disappear altogether.

In many instances peasant estates [illegible] of the testator to a son or son-in-law under [illegible] consists in providing the devisor with [illegible] estate is mortgaged with the price, and the [illegible]

Sales of property are effected by a register [illegible] inscribed on the Land and Mortgage Register [illegible] on the immediate transfer to a new owner [illegible] selling price, to which would have to be added [illegible] great.

With regard to any special facilities for raising loans on properties, the system adopted by the following banks may be noted.

1. *The Landes Cultur Reuten Bank.*

This bank was established by a law of the 26th November.

Its object is to support corporations which undertake stream regulations or other works of irrigation or drainage. This is done by the State offering them, as a loan at 5 per cent. payable in forty-one years, the twentyfold amount of this rate in State bonds to bearer at 4 per cent. In other words the borrower gets a negotiable bond at 4 per cent. and pays the bank for forty-one years 5 per cent. By means of this 1 per cent. which the bank makes the amortization of the capital sum is effected in the forty-one years.

This is the only bank of credit under the supervision and control of the State; those which come after have no sort of connection with it.

2. *The Erbländische Ritterschaftliche Credit Verein of Leipzig.*

The members are large landholders, principally belonging to the nobility, and also some of the wealthy farmers; the only object of this institution is to grant loans to its members, by proffering them mortgage bonds to the amount of one-half of the value of their property. Those who take the loan have to pay $\frac{1}{3}$ to $\frac{2}{3}$ per cent. additional beyond the interest of the bonds (4 per cent.) By means of this surplus the loan is amortized, and the expenses of administration covered.

3. *The Oberlaüsitzer Landständische Hypotheken Leih and Sparbank of Bautzen.*

This bank is [illegible]teed by the property of the provincial members of the Lousitz. It enjoys the pri[illegible]ssuing bank notes and mortgage bonds, and at the same time grants loans to [illegible] value of the property (down to 20 dollars), to every owner of agricultural [illegible]y who can offer sufficient security, at a rate of interest in accordance with [illegible] the money market.

An amortiza[illegible]scribed above in the case of the "Erbländische Credit Verein" does no[illegible]ce. A gradual extinction of the debt may be effected by regular payments [illegible]its in the savings-bank of the establishment.

Landwirthschaftliche Credit Verein of Dresden.

This bank [illegible] to membership all independent and sound owners of agricultural land, and give[illegible]n credit in the four following modes:—

(*a.*) Loa[illegible]n mortgage unrecallable up to one-half of the value of the property.

(*b.*) The [illegible]e up to one-third of the property value.

(*c.*) Mor[illegible]ge loans on call up to two-thirds of the value.

(*d.*) Ad[illegible]ces on term (generally for half a-year) up to three-fourths of the property va[illegible]

In o[illegible] to procure the capital, the Bank issues recallable and unrecallable mortgage[illegible]ds.

The [illegible]eans fo[illegible]ting advances on term are obtained by the paid-up capital of the mem[illegible]rs [illegible] from 50 to 1,000 thalers; and by deposits, against which the Ba[illegible] giv[illegible]tions.

[illegible] the rate of 4, 4$\frac{1}{3}$, 5, and 5 per cent., with an additional $\frac{1}{3}$ f[illegible]

[illegible] effected by an addition of $\frac{2}{3}$ per cent. to th[illegible]

Ch[illegible]*gs Gesellschaft of Dresden.*

'2[illegible]sale or unpunctual payments, or loss [illegible]se seeking loans, and by its Branch [illegible]he means of paying off their debts

[illegible]*eken Bank.*

[illegible]*eipzig.*

[illegible]ss to Saxony, nor to dealings with [illegible]e.

agricul[illegible]

Besides these Banks there are a considerable number of smaller local Banks, whose principal object is to meet the wants of their members.

Many of them have acquired in a short time considerable importance. For instance, one Bank which began with 54 members, and did business to the amount of 21,719 thalers, in the fifth year of its existence numbered 167 members, with a business of 434,742 thalers.

Properties are not heavily mortgaged; on an average, perhaps two-thirds of the whole value.

According to a Government census the mortgages amounted on town property to 126,000,000 thalers; landed property, excluding seignorial estates, 151,000,000 thalers; seignorial estates, 27,000,000 thalers.

The usual rate of interest on sterling mortgages was, not long ago, 4 per cent., and is now 5 per cent.

For a mortgage to be legally valid it must be entered on the Land and Mortgage Register. The judicial fees are not very large, and vary according to the amount of capital. To these may be added a stamp duty, about $\frac{1}{12}$ per cent. of the loan.

Saxon agriculture is at present in a state of transition, owing to the high price of landed property, and manual labour, and the competition of the eastern and south-eastern grain-exporting countries on the one hand, and the greater demand on the other hand of the constantly increasing native population. More capital is now required for manuring purposes than formerly, particularly for foreign manures, for labour-saving machines, for the purchase of stock, &c.

The productive area of the country (2,623,296 Saxon acres) is divided as follows:—

	Per cent.
Arable land	54·4
Gardens	2·8
Meadows	12·1
Pastures	1·3
Total agricultural area	70·6
Ponds	0·7
Vineyards	0·1
Forests	28·6
	100·0

The kind of crops raised, and the average extent of gr[illegible]ered, appears from the following Table:—

24	per cent. is laid down	in rye.
10	,, ,,	in wheat.
16	,, ,,	in oats.
8	,, ,,	in barley.
3	,, ,,	in peas and vetches.
2	,, ,,	in millet and buckwheat.
3	,, ,,	in rape and colza.
1	,, ,,	in flax.
10	,, ,,	in potatoes.
4	,, ,,	in beetroot, turnips, and cabbage.
18	,, ,,	in clover and grass.
0·5	,, ,,	in hops, hemp, and tobacco.
0·5	,, ,,	in fallow.
100		

The rotation of crops varies very much, acc[illegible]ns of communication. In the lowlands, whe[illegible]nt, viz., winter wheat, summer wheat, an[illegible]but under an improved form.

For instance, first year, wheat[illegible]to; fourth, wheat and rye; fifth, sumn[illegible]nter wheat; eighth, oats; ninth, clove[illegible], and the peculiarities of the district.

In the highlands a system has [illegible]with rye and oats as long as possible, and [illegible]run into pasturage for four or five years.

A considerable advance has been [illegible] to the example set by the large pro[illegible] the breed and fattening beasts for t[illegible] other fattening principles are empl[illegible] smaller proprietors.

M. Steiger's farm near Meissen has been long famous both here and abroad for the beauty of its pure merino sheep. The farm was formed in 1806 by the purchase of the best rams and ewes directly imported from Spain by Prince [illegible] of Vimphausen.

M. Steiger's system of breeding secures great weight and size of body, with an abundance of the finest wool.

The weight of the rams' fleeces clean-washed vary from 6 lbs. to 10 lbs. English, and unwashed from 10 lbs. to 20 lbs. The ewes' fleeces from 3 lbs. to 6 lbs. washed, and 8 lbs. to 10 unwashed.

The rams vary in weight from 100 lbs. to 160 lbs., and the ewes from 90 lbs. to 135 lbs.

He sells 200 to 250 rams a year, and as many ewes. One of his rams exhibited at Battersea Park sold for 400*l.* to New South Wales.

The cattle in Saxony are almost universally stall fed, they are only exceptionally pastured after the crops have been harvested. Cows on the smaller properties of 10 acres are often made use of for draught purposes, as the owners have not the means of keeping regular draught stock.

Machinery, with the exception, perhaps, of the smut mill, is not much employed as a substitute for hand labour. For the individual it would be too costly, and the small proprietors are not much inclined to club together for the purpose. Those mostly in use are chaff and turnip cutters, with threshing and sowing machines.

The smaller proprietors work their own lands with the help of their families, and at best a few extra hands at harvest time.

The census of 1861 showed that with 41,120 landlords and tenants to 1,772,537 superficial agricultural acreage the proportion of hands was as follows :—

Permanent Hands.	
Ma[illegible]	70,845
Fe[illegible]	92,983
[illegible]l to	163,828
Day Labourers.	
Mal[illegible]	47,725
Fem[illegible]	18,536
Equal to	66,261

Under the [illegible]ng "permanent hands" are comprised the members of the family Females are o[illegible]mployed in house-work and in cattle stalls. Only on some of the larger estates [illegible] the cattle tended by men, technically called "Schweizer," or Swiss.

Wages va[illegible] a good deal, according to the distance of the district from towns and according to [illegible] industrial and agricultural character of the neighbourhood.

A good [illegible]l also depends as to whether the estate is large enough to afford fixed employmen[illegible] their hands or only temporary occupation.

1. *Labourers' Wages annually in Cash.*

P[illegible]	From	50	to 100	thalers.
.. .. ..	„	35	75	„
.. .. ..	„	20	35	„
.. .. ..	„	24	40	„
.. .. ..	„	12	22	„
.. .. ..	„	15	40	„

[illegible] receive presents at fair time and [illegible]which may add about 5 thalers or

[illegible]or a man.
[illegible] for a woman.
[illegible] 3*s.*)

[illegible]*ers.*

[illegible]rom 6 A.M. to 6 P.M. is for men from [illegible]1*s.*) A good deal, however, depends

on the competition of neighbouring manufactories, and the greater or lesser demand at harvest time, in which case it may rise to 18 groschen and 20 groschen, whilst, on the other hand, in districts where the labourer is sure of finding employment even in winter time, it may fall to 7½ groschen or 8 groschen.

For women the usual rate is from 5 groschen to 7½ groschen, according to demand and supply.

For short working days the wages would be

For Men, from	6½ to 9	groschen.
For Women, from	4 5	„

Both men and women have generally half-an-hour in the forenoon, one hour at midday, and half-an-hour in the afternoon for rest and food. The women make it a condition very often that they shall have two full hours to look after their household affairs. Such labourers are not, as a general rule, boarded; when this is the case the men receive 10 groschen, 12 groschen, down to 3 groschen, according as labour may be cheap or dear, and the women from 8 groschen to 2 groschen.

The Saxon labourer does not emigrate much, if we may judge by the statistics of the triennial period 1859-61, when 132 emigrated, as a set off to this, however, there was an immigration of 260 from neighbouring States. The total emigration of all classes during the above period amounted to 2,771 persons, and the total emigration to 5,106.

At the same time there is no doubt there has been a diminution of the agricultural labour of the country to the extent perhaps of 18 per cent. during the period 1849-61, not so much with regard to the fixed hands as the fluctuating daily labour.

This diminution, however, is not owing to emigration, but rather to a change in the current of labour to industrial channels where the wages are higher and work more certain, and with which agriculture cannot compete.

Proprietors generally live on their own properties. The [illegible]d of living and general circumstances of the smaller proprietors are extrem[illegible]ccording to the extent of their incomes, the climate and condition of their [illegible]

On the whole, their circumstances are not positively b[illegible]ing to the high price of land and the high interest they may have to pay, th[illegible]ow great energy and practise a rigid economy in order to be able to save. The [illegible] habits of living are very simple.

If we compare this class with a like class in other counti[illegible]uld appear as if the Saxon landowner cared more for house and clothing than [illegible]l food, and it is not to be disputed that there is considerable room for improvemen[illegible]is, however, is a drawback which affects equally the whole industrial population o[illegible] mountainous districts. The consumption of meat is very small, in the most favoura[illegible]ears, upon a general average of the population, not more than 50 lbs., and in less f[illegible]urable years 20 lbs. per head per year. If we consider that for the well-to-do clas[illegible]125 lbs. per head is the normal ratio, it will be seen what a small amount of anima[illegible]d remains for the consumption of the poorer classes.

Special statistics do not exist with regard to the annual rate of increa[illegible] popula-tion among the small proprietors.

The average among the general population, according to t[illegible]ensus, [illegible]r every 1,000 Saxon acres of superficial area, was 893, and for every [illegible] a[illegible]le area 1,300.

The increase in a cycle of the last twelve years ha[illegible]·56 per cent. annually.

Of this increase 54·25 per cent. fal[illegible] villages.

In the same period the annual inc[illegible]

Bavaria was	0·5
Wurtemberg	0
Baden	0·7
Hanover	0·56
Rhenish Provinces	1·34
Westphalia	1·00

(B.)—Tenants and Sub-Tenants under Landlords.

Tenure.

Sufficient data are not at hand to enable it to be stated precisely what quantity of land is held by each tenant. The nature of the tenure is fixed by mutual agreement.

The landlord lets his property and buildings with any particular licenses attached, such as fishing, shooting, &c., called here "Gerechtsame," to the tenant for a determined period and at a fixed price.

Very often the tenant also takes over at a valuation all agricultural implements, cattle machines, &c. He is bound to pay his rent at stipulated periods, to make an economical and careful use of everything, and to return everything as he found it at the end of his tenancy. On taking the property, however, he has generally to give to the landlord, for the due fulfilment of his obligation, either a sum in money or other State security.

The usual duration of tenancies is from six to twelve years, generally the latter for large properties, small plots for a shorter period, and meadows for a year.

Sub-tenancies are allowed if not otherwise provided by contract. But generally the landlord forbids in his lease a sub-tenancy, or allows it only with his express sanction.

Leases generally take the form of a written agreement, but this is not necessary to their validity. If the parties agree upon a lease of several years, it must be registered on the "Property and Mortgage Register," if it is to be considered binding on a third party.

Otherwise, if [illegible]ndlord should sell his property during the tenancy, his successor would not consi[illegible]lf bound to continue it on the same terms; he would, on the contrary, be en[illegible]ul the contract at the end of the year, or, if notice has not been given, eig[illegible]ore the close of the current year, at the end of the following year.

If no parti[illegible]gement as to duration of tenancy has been agreed on, an annual lease is g[illegible]nderstood for those lands where the cropping is uniform, and on larger estates [illegible]ars. In both cases a six months' notice is necessary, on the 1st April and the [illegible]ober, otherwise the lease is supposed to be continued. Beyond the registration [illegible]entioned there are no particular authorities who control such matters.

The landl[illegible] also unrestricted in his right as to whom, for what rent, and for how long he [illegible]lease his property.

The ten[illegible] has the full usufruct of all the crops on the estate. There is no law which requi[illegible] the sanction of the landlord, nevertheless as a general rule he may require that [illegible]e manure, straw, and hay should either not be sold at all or only in such quantities [illegible]vill not deteriorate the soil or deprive it unduly of the elements for enriching [illegible] There are, however, no legal enactments to this effect. Should a tenant by carel[illegible]rming, by taking too much from the soil and putting nothing into it, technica[illegible] called here "Raübbaü," deteriorate the property, he would have to indemn[illegible] the l[illegible]r his negligent husbandry.

Rent.

[illegible] parties and varies a good deal, acc[illegible]ding [illegible] property from railway communication. [illegible] The landlord is not obliged to let his [illegible]n only be exercised if recorded on the [illegible]

[illegible]he power to annul the tenancy before [illegible] with two quarterly payments; if he [illegible]g the warning of his landlord; if it is [illegible]operty of a kind as to hinder its being [illegible]occur); finally, if the tenant becomes [illegible]

[illegible]s, can only enforce their claims before [illegible]enants a sum of money as due security [illegible]ree exceptional privileges over other

creditors, inasmuch as they can lay an embargo on the property and crops of the tenant until he has come up to all his obligations.

Evictions.

The eviction of a tenant can only take place by legal procedure, or by exhibition of documentary proof on the part of the landlord that such a step is necessary.

In this case a notice is served on the tenant requiring him to vacate the tenancy at once.

If the tenant has not appealed against the sentence, or if within the term required by law (three weeks) he has not quitted the property, he is summarily ejected by the law officers.

If the landlord cannot justify his position, or if the tenant raises points which cannot be disposed of, an ordinary action at law commences, and the question is settled by sentence of judge.

If notice of eviction for non-payment of rent has been once served on the tenant he cannot free himself of it by subsequent payment. But, as already observed under "rent," in default of any binding agreement to this effect eviction can only occur on presumptive evidence that the tenant has failed with two quarterly payments, and that he has been duly warned that eviction would follow if he continued to be a defaulter. Evictions are not very frequent, and are mainly for the foregoing reasons.

Improvements.

There is no particular rule with regard to this point. A good deal depends on the means possessed by the one or the other party, on the nature and character of the buildings, and the duration of the lease.

The landlord often undertakes to make all new construct[illegible]ilst the tenant provides cartage and bears the expense of repairs. The latter[illegible]rtain limits in many cases form the subject of a special agreement. Of la[illegible]a the custom, where property is leased for a certain number of years, for t[illegible] hand over to the incoming tenant all the buildings in a proper state, and [illegible]o return them as he found them, and to bear the cost of all works and repa[illegible]is own means, or the landlord may advance the capital to the tenant under a[illegible]ent that it is to be laid out under his especial supervision, and that besides the [illegible]nterest he is to get an extra 3, 4, or 5 per cent., as the case may be, towards [illegible]g fund of the capital sum.

If the tenant has made any improvements absolutely necessar[illegible]ay seek to be indemnified at once, otherwise at the end of the lease. With regard [illegible]rything else he has legally the right to take it away and the landlord to take it o[illegible] at a fixed valuation, determined, in case of disputes, by Court of Law.

Miscellaneous.

It may be safely asserted that the relations between landlord and tenan[illegible]e always of a friendly character, nor have any complaints been heard on the subject. [illegible]e great difference in standing and education between the tenants on large properties, [illegible]y often men of a sound university education, and the small pro[illegible]ders [illegible] very difficult to draw a safe comparison between the two classes [illegible]nd [illegible]ode of life.

Everything in the shape of socage, serfage [illegible]e away with, or commuted into money value[illegible]

As observed in a previous part of thi[illegible] or "Lehnsqualitat" attaching to a "F[illegible] possessor retaining the power of keepin[illegible] time, to prevent injustice being done to [illegible]s that when the whole of the father's p[illegible]n only pass to one of the sons, who is b[illegible]et their due proportion of the inheritance,[illegible]is burthened with the payment of such porti[illegible] of the law.

I would observe, in conclusion, that t[illegible] about 450 acres (612 acres English) ar[illegible] averaging 1,000 acres English.

No. 2.

Lord A. Loftus to the Earl of Clarendon.—(Received May 30.)

My Lord, *Berlin, May 26, 1870.*

I HAVE the honour to forward to your Lordship herewith a letter which has been addressed to me by Mr. Harriss-Gastrell, Senior Second Secretary to Her Majesty's Embassy, inclosing an interesting Report on the costs attending the transfer of land in Prussia, which he was unable, from the delay in its receipt, to attach to his Report on the Land Tenure Question.

This Report, which reflects great credit on the zeal and industry of Mr. Harriss-Gastrell, contains information which may be of value to Her Majesty's Government.

I have, &c.

(Signed) AUGUSTUS LOFTUS.

Inclosure 1 in No. 2.

Mr. Harriss-Gastrell to Lord A. Loftus.

My Lord, *Berlin, May 20, 1870.*

DURING the preparation of my Report on land in Prussia, I perceived that it would be impossible for me to collect in time the necessary information respecting the cost of the transfer of land for enabling me to reply fully to the Earl of Clarendon's queries on this subject. I therefore sought the assistance of an eminent lawyer of Berlin, who has kindly furnished me with the inclosed very complete Report, which has been up with much industry and clearness by a member of the legal profession.

Owing, h[illegible]he difficulties of collecting the desired information, this Report did no[illegible]l the beginning of last month, and therefore too late to be incorporated, a[illegible]tended, in a division of Part IV of my Report on land in Prussia, whic[illegible] already printed and presented to Parliament. Nevertheless, as the informat[illegible]itself interesting, and may also be at some time useful to Her Majesty's Gover[illegible] venture to beg your Lordship to forward this Report on the cost of the tran[illegible]and to the Earl of Clarendon, and to express to him my regret that the portio[illegible] Report which I was unable to prepare myself should have been thus delayed b[illegible]unavoidable difficulties of its compilation.

I may [illegible]ermitted to remark that, although the cost of transferring land in Prussia app[illegible] to be very moderate to an Englishman, yet it is in Prussia considered to be in mo[illegible]ases excessive. Indeed, the tendency of all the recent legislation on land is to m[illegible]rially reduce the cost of transfer, and the modern scale of fees is more moderate [illegible] the older scale.

The [illegible] of costs which is in force in the old provinces has been or is being introduc[illegible]with few deviations, into the new provinces of Prussia. These deviations are how[illegible] merely temporary, and are now rendered necessary by the deviations of proced[illegible], under [illegible]many differing systems of law, which obtain in different parts of the ki[illegible]om[illegible] a new law of civil procedure shall have been passed, with unva[illegible]g [illegible]ll the States of the North German Confederation, these de[illegible]viations of greater or lesser importance from uniformity. [illegible]uch a new law will consist of two parts, the [illegible]an common law, and the other applicable [illegible]. At the present time the deviations in [illegible]ose two systems, and do not, according [illegible]importance. In some instances the [illegible]per, in others, rather dearer.

[illegible]ng of the particular facts contained in [illegible]le of costs is, and what per-centage the [illegible] applicable to the old provinces, is usually [illegible]nd dearest rate is levied on sums rising to [illegible]ive rates, being each cheaper than the [illegible]s rising to 30*l.*, 75*l.*, 150*l.*, 300*l.*, and so [illegible] Thus each property would pay each [illegible]dditional sums on which the rates are

levied, should amount to the value of that property. The costs levied never form high per-centages. Apart from the Stamp Duty, which is 1 per cent., and the Legacy or Inheritance Stamp Duty, which varies from 1 to 8 per cent., no aggregate charge on the transfer of land exceeds $5\frac{13}{30}$ per cent., and in this case the value of the land transferred cannot exceed 15*l*. As soon as the value of the land transferred exceeds that sum the charge forms a less per-centage, and dwindles gradually into a practically nominal charge. On ordinary sales of land the initial rate of the fees on value to 15*l*. is 25 per cent., and this per-centage dwindles as follows:—

On 15*l*. it is 2 per cent.	On 120*l*. it is $\frac{5}{6}$ per cent.
,, 45*l*. it is $1\frac{1}{9}$ per cent.	,, 870*l*. it is $\frac{5}{29}$ per cent.

And the highest charge cannot exceed 2*l*. 10*s*., whatever may be the value of the land. If such sales are recorded in written documents, and certified by the Judges or Notaries, the charge is one-half of the above per-centages; and if the signatures merely are attested by the Judges or Notaries, the charge is one-fourth of the above per-centages. Voluntary auction seems to involve the same costs as sales; but on land transferred by gift, the rates for fees are one-half of the rates on sales. Compulsory auction, if I understand aright the details given, is in the aggregate more costly, for the initial rates for fees are apparently $4\frac{1}{10}$ per cent., or $5\frac{13}{30}$ per cent., according to circumstances, on values not exceeding 15*l*. These dwindle, however, as rapidly as in the case of sales in proportion to the increasing value of the land sold. It remains to notice, that on land transferred by intestary, the initial rate for fees in 15*l*. is only $1\frac{1}{6}$ per cent., which dwindles to $\frac{3}{20}$ per cent. on land of the value of nearly 4,000*l*. The foregoing remarks will give a general idea of the moderate cost of the transfer of land in the old Provinces of Prussia, where the German Common Law obtains.

In the Rhine Province, where the Code Napoleon is sup[illegible] the costs are in some instances rather higher, and in other instances rather low[illegible] he difference in the per-centages is not sufficiently large to require further [illegible]t the fact that the fee for entering a mortgage in the register, is only $\frac{1}{10}$ p[illegible] be mentioned. The moderation of nearly all the charges for the services of [illegible]rks, engrossers, &c., is conspicuous.

In conclusion, it is needless to point out how excessi[illegible] and charges in England are, in comparison with the fees and charges stated i[illegible]osed Report.

I cannot close this letter to your Lordship without there[illegible]ling my grateful appreciation of the assistance which has been so kindly render[illegible] by the eminent Staatsanwalt, Herr Simpson, and also by the Gerichts Revisor, [illegible]gnar, who has drawn up this summary of the costs of the transfer of land in Prus[illegible]

I have, &c.

(Signed) J. P. HARRISS-[illegible]STRELL.

Inclosure 2 in No. 2.

Summary of the Cost of Transferring Land, and of Charging it with M[illegible]ges.

I. IN the Department of the Common Law of the country, viz., in th[illegible]rovinces of Prussia, Brandenburg, Pomerania (excluding New-Vor[illegible] with [illegible]Rügen), Posen, Silesia, Saxony, and Westphalia, the transfer of l[illegible] o[illegible]y sale, exchange, gift, voluntary judicial auction, compulsory auc[illegible]ce[illegible] is

All the fees levied for judicial acts are deposit[illegible] i[illegible] the same with the tax called stamp duty[illegible] is put to the account of the person conc[illegible] may arise in judicial proceedings. It is[illegible] notaries to levy these fees, by drawin[illegible], which they have to purchase from the[illegible]

The amount of the fees for ju[illegible]ss, according to the money-worth of the[illegible]

(*a*.) In sales, according to the pur[illegible]

(*b*.) In exchanges, according to th[illegible] namely, according to the one which is lik[illegible]

(*c*.) In gift and inheritance, acco[illegible] value.

(*d*.) In public auctions as under ([illegible]

(*e*.) In compulsory sales, accordi[illegible]is[illegible] ascertained.

On the produce of these transactions, the stamp duty is levied in fixed percentages. The fees and stamps for all transactions of transfer of property, as well as of contraction of debts (excepting the entries in the mortgage-books, for which the Courts only are competent), are the same in amount at the Courts and notaries' offices. After these general particulars, the following may be mentioned :—

Fees.

(A.) For sales and exchanges amounting to the sum of 100 thalers, inclusive—

	Th.	Sgr.
For every 25 thalers	0	15
For additional amounts, rising to 200 thalers inclusive, for every 50 thalers ..	0	10
,, ,, ,, 500 thalers, for every 100 thalers	0	10
,, ,, ,, 1,000 thalers additional	1	0
,, ,, ,, 5,000 thalers inclusive, for every 1,000 thalers ..	1	0
,, ,, ,, 10,000 thalers additional	2	0
,, ,, ,, 20,000 ,, ...	2	0
For sales of more than 20,000 additional	4	0

The highest rate amounts in the aggregate to 16 thalers 20 silver-groschen.

(B.) For certification by the judges or notaries of the transactions above-mentioned, in case they are concluded by written documents, half the amount of the above rates is paid.

(C.) For the simple attestation of the signatures, one-fourth of the rate under (*a*).

Stamp Duty.—In addition a stamp duty is levied in favour of the public exchequer, I per cent. [illegible] the purchase money or of the value otherwise ascertained.

Further :—

When a contra[illegible]ified by a judge or a notary, according to its contents or signatures, 15 silve[illegible]re additionally paid.

Further :—

When the con[illegible]be written more than once, 15 silver-groschen are paid for every copy.

When lands ar[illegible]th any live and dead stock, their value being specially mentioned, only one [illegible]r cent. of the amount is added to the rate.

When the trans[illegible]nd is effected by means of onerous contracts passing from ascendants to desc[illegible]in the calculation of the value on which stamp duty is levied, the follow[illegible]igations and duties incumbent upon the acquirer are not subject to taxatio[illegible]:

(1.) The de[illegible]which have been transferred to the new proprietor, as well as the permanent burde[illegible]and taxes the property is encumbered with.

(2.) The po[illegible]n which has been reserved for the transferrer and his wife; the uses, annuities and [illegible]lar allowance for life, in money or produce; as also all provisions secured to the[illegible]

(3.) The[illegible]tions and provisions with regard, for instance, to money which is to be used for e[illegible]ation, which the successor, according to the contents of the contract, is bound to pa[illegible]o other d[illegible]ndants of the transferrer.

(4.) T[illegible] po[illegible]ransferred price, which is assigned to the receiver as his future inh[illegible]ta[illegible]e reciprocal rights and obligations of the acquirer consist [illegible]ned, the contract is free from the purchase stamp.

([illegible]ent of gift, the fees under B; for the m[illegible]

S[illegible] per cent., when they are made to :—

(*a*[illegible]

[illegible]ldren of the husband.

ack[illegible]llegitimate children who have been the [illegible]ot, by succeeding marriage, obtained

([illegible]nd half-sisters, with their descend-

ants o[illegible]

With 4 per cent. :—

(*a.*) To all other relatives, who are not related to the donor beyond the sixth degree.

(*b.*) To step-children and step-parents.

(*c.*) To children-in-law and parents-in-law.

With 8 per cent. :—

(*a.*) To relatives to the seventh and following degrees.

(*b.*) To brothers-in-law and sisters-in-law.

(*c.*) To all others who are not relatives.

Under (E) and (F) is added the expenditure in cash for public advertisement.

(E.) For voluntary auction at law the three-fold rate under (B) in fees and the stamp duty, as well as for purchase contracts.

(F.) For compulsory auction at law.

(1.) Upon the amount paid by the purchaser :—

	Sgr
(*a.*) To the amount of 100 thalers inclusive, for every 10 thalers	7
(*b.*) Upon the additional amounts to 500 thalers inclusive for every 50 thalers ..	5
(*c.*) „ „ 20,000 thalers inclusive, for every 100 thalers ..	5

The maximum amounts in consequence to :—

Moreover, the purchase-stamp with 1 per cent. is added.

(2.) Upon the accounts of creditors :—

(*a.*) In respect of the whole proceeding of compulsory auction, excluding the additions made under 1, and upon the proceeding, with regard to the charging of purchase-money (under B).

	Th.	Sgr.
(*a.*) On the amount to 500 thalers inclusive, for every 50 thalers ..	1	0
(*b.*) On the additional sums to 2,000 thalers inclusive, for every 100 ..	0	25
„ „ 20,000 thalers, for every 500 thalers ..	1	15
(*c.*) „ „ for every 1,000 thalers	1	15

(β.) For the proceeding of levying the purc[illegible] including the acts conferred in its behalf :—

	Sgr.
(*a.*) On the amount to 200 thalers, for every 10 thalers ..	10
(*b.*) On the additional sums to 1,000 thalers, for every 10 thalers ..	3
„ „ 2,000 thalers, for every 100 thalers ..	15
(*c.*) „ „ for every 100 thalers	5

These rates, under (2), contain at the same time the c[illegible] for the entry in the mortgage-book of the preliminary steps of the auction, the can[illegible]r of the same, and of the paid mortages, but not for the entry of occasional arre[illegible] in the purchase-money.

(G.) For the acquisition of land by inheritance :—

(1, by Will) : When the transfer of property takes place throug[illegible]e last directions of a will (will or contract of inheritance) by way of universal or s[illegible]lar succession, then only the fees for receiving under the directions of the last will [illegible] under (A), for the purchase-contracts, and for advertisements the rates under (B) sha[illegible]e levied.

The stamp for a will or a contract of inheritance a[illegible]unts to 2[illegible]halers; for a codicil 15 silver-groschen.

The heir or legatee has to pay for the amount by [illegible]he[illegible]n the cases occurring in stamp-duty, the rates under (D), the sa[illegible]

(2, by Law) : When the transfe[illegible]testate succession, then there are levied for t[illegible]rding to the total amount, and without d[illegible]

On the amount to 100 thalers, for ev[illegible]	
On the additional sums to 200 thal[illegible]	
„ „ 1,000 tha[illegible]	6
„ „ 5,000 tha[illegible]	6
„ „ 20,000 th[illegible]	0
On the amount above 20,000 thalers, [illegible]	6

(3.) When, on account of th[illegible] the request of one of the co-heirs, the [illegible] then there are levied :

(*a.*) For the recognition in la[illegible] by a will, one-third of the rate un[illegible]

(*b.*) For ascertaining and settling the amount of the inheritance, according to the amount, which has been obtained or settled by the Court.

	Sgr.	Pfs.
On the amount to 100 thalers, for every 10 thalers	0	5
On the additional sums to 200 thalers, for every 20 thalers	7	6
„ „ 1,000 thalers, for every 50 thalers	7	6
„ „ 5,000 thalers, for every 700 thalers	7	6
„ „ for every 500 thalers	7	6

(*c.*) For securing title to a legacy :—

On the amount, secured or preserved by Law, the same rates as under (B).

(*d.*) For division of inheritance on the amount, which has been divided by law :

	Sgr.	Pfs.
On the amount to 100 thalers, for every 10 thalers	3	0
On the additional sums to 200 thalers, for every 20 thalers	5	0
„ „ 1,000 thalers, for every 50 thalers	7	6
„ „ 5,000 thalers, for every 100 thalers	7	6
„ „ for every 500 thalers	7	6

The delivery of land to a co-heir is estimated for taxing by the cost of regulation of legacy and of division of inheritance ; when it is delivered to a non-heir the fees and stamps are paid at the same as on purchase.

Of the amounts by which the heirs have been enriched by the legacy, they have, on the cases occurring to pay exclusively in stamp-duty the rates under (D).

When the heirs come to an agreement by a non-judicial arrangement, the stamp-costs exclusively :—

	Th.	Sgr.
In legacies under 1,000 thalers	0	15
„ above 1,000 thalers	2	0

(H.) For the c[illegible] of a judicial bond, or one conferred by a notary, the rates under (B) ; for [illegible]ation of signatures, the rates under (C).

Stamp-duty is ac[illegible]ate of ½ per cent. for sums carried forward.

When the debt [illegible]rd consists only of arrears of purchase-money, or of a purchase, no extra [illegible]mps are charged.

(*I.*) *For the entr*[illegible]*nsfer of property into the mortgage-book (the legal recognition of the titl*[illegible]*roperty)* :—

	Sgr.
On the amount to 200[illegible] every 25 thalers	10
On the additional sum[illegible] thalers for every 100 thalers	10
„ „ [illegible]y 500 thalers	15

(K.) For every [illegible]te entry of a permanent obligation, or limitation in the right of disposal, as well [illegible] a debt judicially secured, or of other fixed obligations :—

	Sgr.	Pfs.
On the amount t[illegible]0 thalers, for every 25 thalers	7	6
On the additiona[illegible]s to 1,000 thalers, for every 100 thalers	7	6
„ for every 500 thalers	15	0

(L.) For th[illegible]try of attachments, appointments, private concessions (second and other holders), [illegible] of the rates under (H).

(M.) For [illegible]y case of cancelling, half of the rates paid for entries.

II. In N[illegible] Vo[illegible]nd Rügen :—

In thes[illegible]cost and the same stamp laws are valid as in the provinces [illegible] following exceptions :

(A.) [illegible] to the property there are levied :—

	Sgr.
O[illegible]	7½
O[illegible]	7½
On[illegible]	10

(B.) [illegible]gation or limitation of disposal, as well a[illegible]ligations :—

	Sgr.
On[illegible]	5
On[illegible]	5
[illegible]alers	10

([illegible]ts, private concession (second and other [illegible]

([illegible] paid for entries.

(E.[illegible]he same rates as for the entries, but no[illegible]

The Stamp Duty is everywhere the same as under (I) in the ancient provinces.

III. In the Department of Rhenish Law. Rhine Province.

(A.) Fees of Notaries.

1. For the purchase contract:—

	Th.	Sgr.
(*a.*) Rising to 50 thalers	0	15
(*b.*) „ above 50 thalers to 100 thalers	0	25
(*c.*) „ „ 100 thalers to 250 thalers	1	10
(*d.*) „ „ 250 thalers to 500 thalers	1	20
(*e.*) „ „ 500 thalers	2	15
(*f.*) For real property ("Immobilias"), above 5,000 thalers	3	15
(*g.*) „ above 10,000 thalers	5	0

2. For the exchange contract the same.

3. For a document concerning gifts.

	Th.	Sgr.
To 50 thalers	1	0
Above 50 thalers to 100 thalers	1	15
„ 100 thalers to 250 thalers	2	15
„ 250 thalers to 500 thalers	3	20
„ 500 thalers	4	25

4. For the transcription of a debt as under 1, (*a*) to (*e*).

5. For the division of an inheritance:—

	Th.	Sgr.
(*a.*) When the transaction requires the term (working time) of 3 hours	1	10
(*b.*) For every full hour beyond it	0	15

Three times three hours is the highest term that can be charged on any one day for the carrying out of such an act.

6. For auction (voluntary) the same. And in addition:—

(*a.*) For public advertisement—

	Th.	Sgr.
Rising to 50 thalers	0	15
„ above 50 thalers to 100 thalers	0	20
„ „ 100 thalers to 250 thalers	0	25
„ „ 250 thalers to 500 thalers	1	0
„ „ 500 thalers	1	15

(*b.*) For the drawing of conditions the rates under [illegible].

(*c.*) For the receipt and the delivery of the purchas[illegible]

Under 200 thalers	2 per cent.
For 200–300 thalers	1½ „
„ 300–500 thalers	1 „
„ 500–1,500 thalers	¾ „
„ 1,500–5,000 thalers	½ „
„ 5,000–10,000 thalers	¼ „
Above 10,000 thalers	⅙ „

7. For a will, in case it names the devisees, a so-called publ[illegible] will in favour of persons whose apparent fortune does not amount to 25,000 [illegible]lers, 3 thalers; concerning persons whose apparent fortune exceeds 2,500 thalers, 5 [illegible]ers. When the will does not name the devisees, but refers to another document [illegible]heir names (a so-called *testamentum mysticum*):—

	Th.	Sgr.
In the first case	1	15
In the second case	3	0

(B.) Fees of a Justice of Peace.

1. Upon occasion of an auction or second auc[illegible]r to the Land Tax of the land to be sold by a[illegible]lers, to 20 thalers, or above 20 thalers shall [illegible]

(*a.*) For the receipt of the de[illegible]schen to 1 thaler 10 silver-groschen and [illegible]

(*b.*) For accomplishment of s[illegible]halers.

(*c.*) For drawing up an auct[illegible]ers.

(*d.*) For effecting the auctio[illegible] thalers to 4½ thalers to 6 thalers.

2. For the division of inherit[illegible]term of three hours 1 thaler 6 silver-grosche[illegible]

(C.) Fees of the Engrossers of [illegible]vices under (B) 1 (*a*) to one-half; under[illegible]es of Peace, and in addition, for every [illegible]of the cost of the paper, 4 silver-grosche[illegible]

(D.) Fees for mortgage—ent[illegible]

1. For the entry of the transfer of landed property in the mortgage-books, entry mortgage-rights and privileges—1 thaler per 1,000 to the public exchequer.

2. The clerk of mortgage receives :—

	Sgr.
(*a.*) For the entry of a mortgage-right	8
(*b.*) For cancelling an entry	8
(*c.*) For the extract from the mortgage-book concerning an entry	8
(*d.*) A transcription of the document of change of ownership, for every sheet of which one page must contain thirty-six lines, and the line from sixteen to eighteen syllables ..	6
(*e.*) Transcription of a power of attachment	6
(*f.*) Certified copy of a document deposed or transcribed at the mortgage-offices ..	6

IV. In the Duchies of Holstein and Schleswig.

The Stamp Tax is the same as in the ancient provinces.

The law of costs valid in the ancient provinces has been introduced by the Decree f the 30th August, 1867, with the following deviations :—

(A.) Compulsory auction—

(1.) For the whole procedure, in particular for issuing the notice and the transaction ccasioned by it, inclusive of the extracts to be made from the statement of debt and ien, amounting to 100 thalers—

	Sgr.
For every thaler	$1\frac{1}{2}$
For additional amounts rising to 500 thalers, for every 10 thalers	$7\frac{1}{2}$
„ „ 1,000 thalers, for every 50 thalers	15
„ „ 20,000 thalers, for every 100 thalers	10
„ „ for every 100 thalers	5

(2.) For the Deed of Adjudication, and all the powers to be issued in accordance with it—

Under 2. With regard to these rates, no stamps are used, as the purchase-stamp is covered by the fees.

	Th.	Sgr.
Rising [illegible] thaler[illegible] ery 10 thalers	0	7
For additional am[illegible] 00 thalers, for every 10 thalers	0	4
„ 00 thalers, for 200 thalers	$2\frac{1}{4}$	0
„ 100 thalers	1	0

(3.) For the re[illegible]tribution of purchase money,

	Sgr.
Rising to 200 thal[illegible] 0 thalers	8
For additional amo[illegible] thalers, for every 10 thalers	$2\frac{1}{2}$
„ „ 0 thalers, for every 100 thalers	15
„ „ ery 200 thalers	$7\frac{1}{2}$

(B.) Entries co[illegible] mortgages :—

(1.) For the t[illegible]ion of a descriptive real entry (realfolium) into the name of a succeeding prop[illegible] and for the drawing up of a new, descriptive, real entry :—

	Sgr.
Rising to 200 [illegible]ers, for every 25 thalers	5
For additional [illegible]ounts to 1,000 thalers, for every 100 thalers	5
„ „ for every 500 thalers	$7\frac{1}{2}$

(2.) For t[illegible]ranscription of a personal entry into the name of a third person,— (according to [illegible] amount entered in the protocol, which must be in force at the time,) one half of t[illegible]tes under 1, but not under 5 silver-groschen, and not beyond 3 thalers.

(3.) Fo[illegible]he entry of a lien in the real protocol :—

	Sgr.
Rising [illegible]	5
For a[illegible] lers, for every 25 thalers	$7\frac{1}{2}$
lers, for every 100 thalers	$7\frac{1}{2}$
.. ..	15

[illegible]es for the future cancelling—

[illegible]ocol, and all secondary transactions, inclu[illegible] simple rates under 3.

[illegible] been introduced by the Decree of the 30[illegible] :—

The Stamp Duty is the same as in the ancient provinces under I).

T[illegible]

([illegible]ation, and exclusive of the same, for the[illegible] alers.

	Sgr.
.. .. ..	$1\frac{1}{2}$
.. .. ..	$7\frac{1}{2}$
.. .. ..	15
.. .. ..	10
.. .. ..	5

Under 2. purchase-stamps are not used in these rates.

(2.) For the deed of adjudication and all the powers to be issued in accordance with it, for the amount—

	Th.	Sgr.
To 200 thalers, for every thaler	0	1
For additional amounts to 1,000 thalers, for every 10 thalers	0	5
,, ,, (100 thalers) to 20,000 thalers, for every 100 thalers ..	1	5
,, ,, for every 100 thalers	1	0

And in addition, for the entry of transfer of property in the common security and mortgage-book, the rates appointed under (B) No. 1.

(3.) For the distribution or the judicial delivery of purchase money, inclusive of the various papers to be issued in the course of the procedure, and the cancelling of the judicial lien entered as security, of the purchase-money in the common security and mortgage-book.

(*a.*) When a certificate of priority is not granted—

	Sgr.
Rising to 200 thalers, for every thaler	1
For additional amounts to 1,000 thalers, for every 10 thalers	3
,, ,, 20,000 thalers, for every 100 thalers	15
,, ,, for every 100 thalers	5

(*b.*) When the insufficiency of the purchase-money causes a dispute concerning the preference, and occasions a certificate of priority to be granted—

	Th.	Sgr.
Rising to 50 thalers, for every thaler..	0	$1\frac{1}{2}$
For higher amount to 150 thalers, for every 10 thalers	0	10
,, ,, 500 thalers, for every 50 thalers	1	0
,, ,, 1,600 thalers, for every 100 thalers	1	0
,, ,, 20,000 thalers—in first instance for every 2[illegible]s, and [illegible] higher instances for every 500 thalers	1	0
On additional amounts. for every 1,000 thalers in first instance, [illegible] instance for every 2,000 thalers	1	0

(B.) For entries concerning mortgages.

(1.) For the entry of the transfer of property [illegible] common security and mortgage-book, inclusive of the transfer of liens, which [illegible] pen to exist from the time of the former possessor—

	Sgr.
Rising to 5 thalers, inclusive	5
For higher amount to 200 thalers, for every 25 thalers	10
,, ,, 1,000 thalers, for every 100 thalers	10
,, ,, for every 500 thalers	15

(2.) For every entry concerning a lien, which is given on bei[illegible] requested—

	Sgr.
Rising to 5 thalers	5
For higher amount to 200 thalers, for every 25 thalers	$7\frac{1}{2}$
,, ,, 1,000 thalers, for every 100 thalers	$7\frac{1}{2}$
,, ,, for every 500 thalers	15

(3.) For the entry of cessions, transfers, releases co[illegible] f preference, one-half of the rates under 2.

(4.) For every act of cancelling, one-half of th[illegible]

(5.) For judicial certification of [illegible] every receipt from the mortgage-book, on[illegible] halers.

(6.) For the grant of a mort[illegible] never more than 3 thalers.

(C.) In division of inherita[illegible]

For the judicial sanction of [illegible] ing the division of inheritance, the cost[illegible] ontracts in the ancient provinces, but the[illegible] hich are paid in the latter, are not charged [illegible] ate of Hessen.

The Stamp Duty amounts to the same as in the ancient provinces.

VI. In the former Duchy of [illegible] belonging to the Grand Duchy of [illegible] merly

By the Decree of the 30th A[illegible] has been introduced here with th[illegible] rovinces

(A.) In compulsory auction are levied--

(1.) For the measures of execution which precede the auction, principally for the achment decree, the attachment act, &c., according to the amount of the demands ed therein :—

	Sgr.
Rising to 100 thalers, for every 10 thalers	2½
„ 100–200 thalers, for every 10 thalers	1½
For higher amount, for every 50 thalers	2½

Maximum, 4 Thalers.

(2.) For every judicial procedure of auction :—

	Th.	Sgr.
Rising to 100 thalers, for every 25 thalers	0	7½
For higher amount, to 200 thalers, for 50 thalers	0	5
„ „ 500 thalers, for every 100 thalers	0	5
„ „ 1,000 thalers (additional)	0	15
„ „ 5,000 thalers, for every 1,000 thalers	0	15
„ „ 10,000 thalers (additional)	1	0
„ „ 20,000 thalers (additional)	1	0
Beyond 20,000 thalers (additional)	2	0

(3). Judicial consent to sale :—

	Th.	Sgr.	Pfs.
Rising to 200 thalers, for every 10 thalers	0	7	0
„ 200 to 1,000 thalers, for every 10 thalers	0	4	0
„ 1,000–10,000 thalers, for every 200 thalers	2	7	6
nd 10,000 thalers, for every 100 thalers	1	0	0

Under 3, stamps are not charged when these rates are levied.

voluntary au tions :—

judici ee by which the voluntary auction is allowed.

edure of auction, including the notice. The same

rt of the auctioneer, and for drawing up the protocol re.

consent under 3, when it is only certified by signature,

s in the mortgage-book :—

one security into another of an estate, on its change of

k-book :—

	Sgr.
.. ..	5
alers, for every 25 thalers	10
00 thalers, for every 100 thalers	10
r every 500 thalers	15

ry of a lien in the original stock-book, inclusive of the future

	Sgr.
rs	5
o 200 thalers, for every 25 thalers	7½
s to 1 for every 100 thalers	7½
d alers	15

grant, one-half of the rate under (2).

nt concerning the transfer of property, f the rate under (2), but never more

(C).

same as in the ancient provinces

ing them would lead too far, as the ion, deviate so entirely from the y, as a reform of the system of s already intended.

No. 3.

Mr. Layard to Earl Granville.—(Received December 13.)

My Lord, *Madrid, December 7, 1870.*

I HAVE the honour to transmit herewith a Report, which I have received from Mr. Ffrench, First Secretary to this Legation, with its inclosures, concerning the tenure of land in Spain, the relations that exist between landlord and tenant, and many other details which may offer considerable interest.

I have, &c.
(Signed) A. H. LAYARD.

Inclosure 1 in No. 3.

Report respecting the Tenure of Land, &c., in Spain.

THE custom among landed proprietors in Spain, and more especially those who own a large extent of land (as is the case in the provinces of Andalusia, La Mancha, Ciudad Real, and Toledo), is to let out their lands either to single tenants or to a company of labourers, for a term of three or four years, at so much per annum, free of taxes.

In the provinces of Castile and Aragon properties are smaller in extent, an[illegible]ul- of the proprietors cultivate their own lands, whilst others let them to small te[illegible]ctice pay their rent as often in kind (*i. e.*, in crops) as in money [illegible] is con-

In the province of Asturias, and above all in those o[illegible]cia, I[illegible]s a system where property is very much subdivided, the same syste[illegible] whom wheat or province of Valencia are perhaps the most fertile i[illegible]e of cultivation is system of irrigation which was established there b[illegible] since. The cultivation of the land is so concentrate[illegible]ising and grazing each tenant is from one to two acres, for which the[illegible]ut one-fifth of the 14*l.*) annually. The leases are generally passed on [illegible] of manual labour. much improved by careful culture.

This custom is almost always followed in the Basqu[illegible] few paid labourers between landlord and tenant, tenant right, &c., are so [illegible]umber of labourers ditional habits and customs, that every farmer passes [illegible]e-fifth of an acre whichever of his sons he may consider as best able to carry o[illegible]n 7*d.* to 10*d.* per the land, and assist his family. [illegible]o that of males.

A land lease can only be broken through when it is eviden[illegible], washing, and been racking the land, cultivating it badly, or when he cannot p[illegible]

There are but very few examples in Spain of tenants taking [illegible]migration from the purpose of sub-letting them in small farms, such as may be fou[illegible] ($2\frac{1}{2}$ per cent. There is no law which prevents it being done with the consent of th[illegible] said to be— want of capital throughout the country has always made it impossib[illegible] lands, and

The average amount of land held by tenants in Spain varies fro[illegible]g markets The rent that they pay must naturally depend upon [illegible] an[illegible]ipowners, land, but averages from 4*s.* to 16*s.* an acre. [illegible]ideo and

Lands set for the purpose of planting, whethe[illegible]stead of siderably in value. For the most pa[illegible] the soil, who work them.

The sale or transfer of prope[illegible]are a notary and inscribed in the L[illegible] to by contract before witnesses. [illegible]tter property is held or transferred [illegible]ich *vice versâ*, no succession duty i[illegible]rely any more distant relative, and [illegible]; rye

The extreme disorder and [illegible] managed in Spain, the irregularit[illegible]ry complication in Spanish laws (eve[illegible]st a separate code), and the almos[illegible]en has hitherto prevented the in[illegible]of in where they are immensely need[illegible] money at the usurious interes[illegible] rate, and often at that of from [illegible]

Property may be willed as the owner chooses, in the event of his having no children, these being his natural heirs, and the division being in equal parts. He can, however, dispose of one-fifth thereof in favour of his widow or of some particular child, or even of a stranger. Should the property have increased in value since the marriage day of the owner, his widow has a right to the half of the increase.

The population of Spain amounts to some 16,000,000 souls. Of these but 3,612,000 possess land as proprietors, and but 3,900 receive a territorial income which exceeds 40,000 reals (400*l.*) per annum.

Should a tenant make any improvements in his house or land without a previous stipulation in his lease, they accrue to the landlord without his paying any indemnity to the tenant.

If a tenant is unable or refuses to pay his rent, he can be evicted legally or constrained—*i. e.*, his crops, goods, furniture, &c., seized and sold for payment.

In this short Report I have confined myself to giving what I conceive to be the information most needed with regard to the relative position of landlord and tenant in Spain, and I have preferred leaving the more ample details which have been furnished to me by some of Her Majesty's Consuls in their original form. The absence of printed statistics, the immense difficulty of procuring any information which is not purely local, the extraordinary conditions of soil, climate, races, habits, and customs more varied in Spain than in any other country in Europe (not excepting Russia), would make it necessary to study each province separately, and for a considerable length of time, ere an accurate or adequate work could be compiled. Of information there would be plenty; reliable or tangible facts great difficulty in sifting them. The habits, customs, laws, accumulated from the earliest ages—Gothic, Christian, Jewish, and Moorish, lord an inextricable web which no legislator has attempted to unravel. Codification consent, often talked and even attempted, but as yet has produced nothing. The Spanish proprietors are perpetually involved in law suits, d lost again; going from one province to another, and nd Tribunals one after the other.

(Signed) PERCY FFRENCH,
First Secretary to Her Majesty's Mission in Spain.

Inclosure 2 in No. 3.

specting the Tenure of Land in Galicia and Asturias.

Galicia, about 2,750,000; Asturias, about 500,000.

tholic.

rsuits.—Agriculture, grazing, mines, coarse fabrics, fishing.

LAND OCCUPATION.

ccupation in Galicia and Asturias is by—

ietors. (The system of sub-tenants does not exist.)
who cultivate their properties to tenants is nearly equal.

RIETORS.

each, may be considered the average

, or more portions, very frequently

e laws of Galicia and Asturias, divided
htful heirs.

of property is effected by means of a
btains full force and validity by being
Registry of Property ("Registro de la
's fee of from 80 to 100 reals (16*s.* to
perty whose limits are well defined;

but for lands which are sub-divided into many portions, the limits of each of which are required to be noted in the register, the same above-mentioned sum is exacted upon each portion, a system which sometimes enforces the payment of a sum total equivalent to 2 or 3 per cent. upon the value of the property registered.

4. In Galicia and Asturias no facilities whatever are afforded either by Government, by special public companies, or by banks of any description, for raising loans upon landed property.

5. These properties are generally heavily mortgaged, as there are few small proprietors of sufficient means to meet any sudden extraordinary expense that may overtake them, such as sickness in the family, the marriage of daughters, or the release of sons from military service. On such occasions they usually have recourse to capitalists, who advance money on their properties at rates of interest varying according to the circumstances of the case, but averaging about 8 per cent. per annum.

6. All matters connected with the acquisition and transfer of or mortgage on property are registered in the public office denominated "Registro de la Propriedad" (Registry of Property), in the books of which full and exact descriptions are noted of all property acquired, sold, mortgaged, transferred, or transmitted, the cost of registry of each separate transaction being the same as stated in my reply to Query No. 3—viz., from 16*s*. to 20*s*., exclusive of stamped paper.

7. The crops usually raised are wheat, rye, maize, beans, potatoes, onions, and in some parts flax. Systematic rotation is little understood and less practised in these provinces. Owing to the extreme subdivision of land, the quantity individually cultivated is generally so small that the proprietors are driven to the exhaustive practice of uninterrupted cultivation, in the process of which no other rule of rotation is considered than that suggested by the earliest prospect of a market. Rotation a is, however, practised by some of the well-conditioned pro by rye, and maize, are usually cultivated in succession. The the vast number the same which has been in use from the earliest times. ich, by virtue of

On small properties a portion of land is usually s of the several cattle, the proportion between arable and pasture land ; so that, where latter to four-fifths of the former. ands in question

8. No machinery is employed either as a substitute o rsons. The custom of mutual aid prevailing among the small pr are needed. Owing to this circumstance I am unable to st employed per acre. A good workman is expected to plough lic. per diem. Male labourers earn from 12*d*. to 14*d*., and fema s. The tenant diem. The employment of female labour is nearly equal in ex Labourers who live with their employers earn, in addition to their b ctuary rights; a suit of clothes, from 4*l*. to 6*l*. per annum. al fee, payable

9. I have not been able to obtain positive data as to the extent o rights; other these provinces: it is calculated to be about 60,000 to 70,000 per ann perty, and to of the population of the two provinces). The inducements to emigrate 1st, to avoid military service and heavy taxes; 2nd, the scarcity of ti onsibilities want of capital to clear the uncultivated forests; 3rd, the difficulty of fi ransfer. for their produce, owing to the absence of roads; 4th, the pr of tenants, who, by exaggerating the advantages of emigration—es spension Buenos Ayres—load their ships with a numerous and is class, ballast, which otherwise would be the case. taining

10. These proprietors usually live on wed

11. Their houses of rough stone— poor and dirty, the same roof frequent the produce of his farm, including hi conditioned of the same class constr serves for their dwelling and granar by the live stock. s, r s, l in man also

Their food consists of potato ul- and maize bread, and occasionally po

They are clad on working days in c fabrics, but dress in better clothing (g days, when they usually add somethin

12. I am unable to return an a respect thereto. and

13. Unanswerable.

(B.)—Tenants and Sub-Tenants under Landlords.

Tenure.

1. Very variable. Tenants seldom hold more than 10 or 12 ferrados.

2. The nature of tenure, its duration, and leading incidents, are subject to special agreement between landlord and tenant, the average duration of the contract being five years.

Sub-tenancies are not customary in these provinces.

3. Tenancy is created both by parol and by written agreement. When the term of contract exceeds six years, its registry in the office of the Registrar of Property is obligatory.

4. See answer to 6th Query on page 2.

5. No tenant can, under any pretext—even should he pay his rent punctually—remain in occupation of his holding against the will of the landlord.

6. There exists neither law nor custom by which a tenant can sell his interest in his farm without the consent of the landlord.

Rent.

1. The payment of rent is conventional between landlord and tenant, and may be made either by a fixed sum, or by a fixed quantity of grain, or by a mutual rent—say one-third or one-fourth of the produce.

2. The rent is also conventional, and is either settled by agreement between land- and tenant, or by assignment of an experienced arbitrator appointed by mutual nev competition.

s an unlimited power of fixing the rent and all other conditions n for nonpayment or breach of covenant.

afforded by common law to landlord and tenant to defend they are unjustly assailed.

privilege over all other creditors in respect of grain and duce of his dominion, during the two years immediately claim.

Evictions.

competent tribunal of termination of agreement, of violation of -payment of rent.

specified in the agreement between landlord and tenant.

n law, as stated in Answer 4 relative to Rent.

nforces immediate payment or execution. The allowance of time to s upon the free will of the landlord.

ons are frequent. Non-payment of rent is the ordinary cause.

Improvements.

uildings, and other fixtures are rarely executed by the tenant without the f th

provements are generally undertaken by tenants with the landlord, and upon certain conditions which constitute the nd, is entitled to a just compensation for e may have executed during the term of l by mutual agreement, or, if necessary, al appraiser. Embellishments are not

has a legal right to all improvements conditions specified in the preceding cision of a competent tribunal.

their holdings, none of the means specified

s.

fulfilment is enforced, constitute the

2. The mode of cultivation by tenants is in every respect the same as that mentioned as regards small proprietors. (See answers, "Small Proprietors," Nos. 7 and 8.) The position of small proprietors is for the most part superior to that of tenants in respect to each and every specification in Query 2, said superiority being mainly owing to the circumstance of their receiving rent for such portions of their property as they may be unable to cultivate themselves, in addition to the benefits accruing to them from their personal cultivation of the remainder.

3. I have no means of ascertaining the relative annual increase of population among landlords and tenants.

4. Answer No. 9, relative to Small Proprietors, serves also in this instance.

5. Unanswerable.

6. All matters connected with the freeholding of land, whether by proprietors or by tenants, the quantity of leases, &c., are subject to common law, and not to any especial legislative enactment.

7. Resolved by Answer No. 6.

8. Unanswerable.

9. The creation and increase of the number of owners or freeholders has been greatly facilitated by two Legislative Acts in connection with the abolition of mortmain.

1st. The advantageous conditions upon which tenants, the members of families, who have held lands subject to mortmain in uninterrupted occupancy from and ever after the year 1800, are permitted to redeem or purchase the same.

2ndly. By the public sale (after a due valuation) of immense tracts of unredeemable landed property upon which the terms of mortgage have expired.

10. The only assistance received by tenants is that referred to in the first part of the preceding answer.

The desire to become proprietors is very frequent.

11. There are laws actually in force which sanction the [illegible] of properties which were subject to the laws of primogenit[ure], that division, have passed in greater or lesser portions in[to] members of families by whom property of this descript[ion] formerly a single individual enjoyed temporary proprieto[rship] have now become the permanent property of an infinite num[ber]

Copyhold ("Foros de Galicia").

They are authorized by a document executed before a Nota[ry]

In ancient times the term of feodatory lease extended to 32[9] was put in possession of his holding as the legal representative of us[ufruct] in compensation of which he became responsible to the owner for an an[nuity] in money or in produce, in acknowledgment of his superior proprieta[ry] conditions being agreed upon with a view to the improvement of the [land] guarantee the payment of the stipulated fee.

In case of sale by the original tenant, the purchaser took up the [obligations] attached to his holding, and further, paid to the proprietor the usual fees [on] sale.

During the last century many attempts were made to evict this class, but for motives of high importance a Royal Edict was issu[ed] [to] the of all legal action in the matter—a measure which confer[red] of a date anterior to that of the said Edict, a character [of] the owner in his right to the yearly fees for [ever], the tenant to dispose of the property as [he] recipient became responsible for the an[nuity].

(Compiled from information furni[shed] and Ferrol.)

Corunna, October 21, 1869.

Inclos[ure]

Report respecting [illegible]

THE Province of Asturias, boun[ded] by the Province of Santander, on th[e]

by Galicia; contains an area of 10,595·80 square kilomètres; population, 540,586, or 51,010 persons to a kilomètre.

The Roman Catholic religion dominates, although religious liberty has been proclaimed throughout the kingdom. The climate is temperate and mild; the frequent rains cause dampness. Excepting a small extent of land, principally mountainous, the province is noted for great fertility, and produces, with little cultivation, a variety of vegetables, some of which are seldom grown under the same sky; and, in addition, possesses grand elements of agriculture, by the large extent of cultivatable land and varied products. But, notwithstanding these advantages, agriculture is not what it ought, or could be, for reasons which, in their respective places, will be given.

While the natural advantages of the soil ought to make Asturias essentially agricultural, nature also destinates it to be industrial. The topographical situation, numerous population, rivers, coally districts, mines of iron, copper, coal, quicksilver, antimony, &c., demonstrates the truth of this assertion. The manufacture of butter, leather, paper, glass, arms, castings, clothes, hardware, &c., show certain progress, which will soon be more notable, as good roads are open in the eastern district, and industry will be greatly benefited when the under-mentioned railways now in construction are completed: one from Gijon to Leon, and from Gijon to the capital of the Province Oviedo.

Land Occupation.

The system of land occupation is by—

A. Small proprietors.

B. Tenants under proprietors and sub-tenants, in the following proportion:—In replying approxi[redacted] only, it will be necessary to observe, that in Spain, for many years, a special C[redacted]ion has been appointed, to collect statistical data bearing upon many points of [redacted]ries, and up to the present has only presented a faint and imperfect extra[redacted]ost useful work, which has produced such beneficial results in more advanc[redacted] The agricultural class of Asturias may be divided into five parts—nearly tw[redacted]e small proprietors, and more than two-fifths tenants under proprietors. Su[redacted] are few in number, say less than one-fifth. Tenants under proprietors and s[redacted]nts may be called proprietors on a small scale, as they own small portions o[redacted]hile the larger portion is held on rent.

(A.)—Small Proprietors.

1. The [redacted]ntity of land held by each, is approximately 4 to 4½ hectares, of which one-third is h[redacted]d together, and two-thirds intersected by other properties.

2. The[redacted]w of Castile, in force in Asturias, gives the legitimate offsprings four-fifths of t[redacted]aternal property; one-fifth is of free disposal. This system, based upon the princi[redacted]es of Roman rights, is diminished by the faculty which the parent has of favouring[redacted]ny of his descendants with one-third of his property,—a faculty frequently used.

3. Since [redacted]January, 1863, a law has been in force throughout Spain, called "Hipo[redacted]cari[redacted]all titles, sales, transfers, and exchanges of property must be regis[redacted] power, authorized by a Notary Public. To transfer pr[redacted]be present, when such transfers are made in the

[redacted]nt of accounts, partitions of property, and [redacted]13 reales per leaf for sales, purchases, [redacted]nents (which by law the Notary can only [redacted]are 2 centimes of a real for entry and [redacted]every line of twenty-four syllables, of [redacted]erties are joined, or belong to one heredi-[redacted]; the Registry fee is not increased. To [redacted]erage cost of registering various properties

[redacted]made by Notaries, on stamped paper of [redacted]or reference by said Notaries; and copies [redacted]value, according to the interest of the act,

1 to 1,000	reales	..	..	..	stamped paper of		2	reales.
1,001 to 2.000	„	..	..	..	„	„	4	„
2.001 to 4,000	„	..	..	..	„	„	8	„
4,001 to 8,000	„	..	..	..	„	„	16	„
8,001 to 16,000	„	..	..	..	„	„	32	„
16,001 to 30,000	„	..	..	..	„	„	60	„
30,000 to 50,000	„	..	..	..	„	„	100	„
50,001 to 75,000	„	..	..	..	„	„	150	„
75,001 and upwards	..	..	..	..	„	„	200	„

The State receives a small per-centage on transfers, but mortgages to cover loans are exempted.

4. There are no special facilities on the part of Government, companies, or banks, nor any other mode of raising loans upon property, except by observing the law before referred to.

5. Property is not heavily mortgaged, owing, doubtlessly, to the absence of capitalists to give impulse to industry; and the indifference of the labouring class, is owing to the concentration of wealth in few hands, and to the want of special territorial banks. The agricultural class has not yet been able to avoid the mournful ravages of usury. Loans are not effected upon landed property under 7 to 8 per cent. interest, with special mortgage and complete security. The law allows complete liberty to stipulate the rate of interest; and the unfortunate labourer pays 10, 12, and 20 per cent. on personal security, or even when guaranteed.

6. The legal method is by notarial documents on stamped paper, of 2 reals, copies of which are made on stamped paper, corresponding to the value of the transaction, and taken to the Register for entry. The State receives nothing, as already observed.

7. Indian corn, wheat, potatoes, clover, beans, peas, and other various leguminous plants. In parts of the province, the crops of apples, hazel[illegible] chesnuts, are of importance. Cider—the common beverage of the country—[illegible] from the apples. Nuts are exported principally to England. The province a[illegible] fruit-trees; the most common are the pear, plum, walnut, fig, cherry, aprico[illegible]ge. Wheat and Indian corn are grown alternatively, or say, yearly; in o[illegible]e, the grower is guided by the atmospheric variations. The fertility of th[illegible]ows one crop to follow another without intermission, and is susceptible of s[illegible]ps in the same year, as frequently proved.

The cattle is a source of considerable wealth to this prov[illegible] winter they are housed, but during other seasons they graze on the mountains, [illegible]nds, and fields. Horses, mules, asses, sheep, goats, and pigs, are reared on a larg[illegible] but cows and bullocks exceed any of the above in number.

The proportion of the grass-land is two-thirds of the whole, the re[illegible]ining third is tillage-land.

8. Cultivation is conducted on a small scale, requires many improvements as regards the employment of labour, the manufacture, utilization, and p[illegible]ervation of manures, with their proper and seasonable application to land. An impr[illegible] system of irrigation, and irrigation canals, is also needed.

The agricultural implements used in this province are simple, such as the rake, hoe, spade, and common plough. Improved agricultural machinery does not appear to be used in Asturias. Small proprietors employ few labourers, as[illegible]k themselves; and one labourer only is required to every 6 acres yearly.

Female labour is employed in all descriptions of [illegible] the ground is prepared for sowing; and the average d[illegible]es; males, 2½ reales, with food; without the la[illegible]. Labourers living with employers, recei[illegible]s, according to strength and capacity, with [illegible].

9. The rich proprietor leaves his e[illegible]s, distinctions, &c., of the Court, or in searc[illegible] public funds, mercantile enterprises, or [illegible] disappears, seeking offices under Gover[illegible] emigrates, either in search of work, or a[illegible] tural labourer leaves in summer to assis[illegible] 1 per cent. leave for the Spanish Colonie[illegible] absence of capital to give an impulse to ag[illegible].

10. The greater part of small propriet[illegible] the remaining few live on their property.

11. Their houses are small; they li[illegible] industrious.

12. Statistical data are wanted to determine the average population per acre. It is calculated that there is no increase among small proprietors, as compared to the urban population, rather on the contrary.

13. It is presumed that the observations made will be sufficient to answer the present query.

(B.)—Tenants and Sub-Tenants under Landlords.

Tenure.

1. From 4 to 5 hectares, including their own, and held as tenants.

2. The opinion in Spain of tenure in general, and the principles which determine its nature and effects, do not differ materially, according to Blackstone, from those prevailing in England, although the traditions and customs of feudalism do not here exercise the same influence. Tenure, on one hand, imposes the obligation to provide a thing for the use of another; on the other hand, the corresponding duty of payment as agreed or established by custom. The tenant appropriates to himself all the advantages, whether natural, industrial, or civil, with the benefits arising therefrom; but cannot gain the holding by prescription.

The tenant is under the obligation to take care of, and restore, the holding in good condition; while the landlord has to deliver and preserve it in good order. The law compels the proprietor to pay taxes; but this is done by both in shares, according to benefits received.

Tenants cannot sublet land without consent of landlord, but house property or other things susceptible of rent can be sublet without this consent.

The subletting of land without consent of landlord is allowed by nearly all modern legislature, and ha[illegible]come a custom in Spain, where the custom may be acted upon without alterin[illegible]ing a contract. Assignments frequently take place without consent or inter[illegible]andlord.

3. Tenancy [illegible]by written agreement and by parol. The written agreement is a public notari[illegible]ent or a private mutual contract. In the absence of a written covenant the dur[illegible] the tenure is voluntary to the interested parties, and he who wishes it to cea[illegible] give the other one year's notice to quit, if in reference to village property, [illegible]th forty days' notice for dwelling-houses. The law, however, respects custom[illegible]ry to the above, and in many parts of Asturias there is a custom established by [illegible] tenants are compelled to quit on the eleventh of each November by giving ther[illegible] verbal notice with more or less anticipation.

4. By la[illegible], all agreements of the following nature are to be entered in the Register:—

Tenancies held on a life lease of tenants and their descendants.

When the landlord undertakes not to sell property until expiration of lease.

All leases for a period exceeding six years.

When the rent of a holding has been paid three or more years in anticipation.

Long tenures in which the rent is paid by yearly anticipation, or, when contracted, not to be sold until the expiration of the contract, are considered as a dismemberation or division of [illegible]as the personal right of landlord is implicitly changed under these conditi[illegible]

[illegible]ight, absolute right is given to the landlord to let advanta- [illegible] laws conceding privileges to certain classes as [illegible]bolished.

[illegible]of the latter part of this query.

[illegible]nferred that the law does not authorize, nor [illegible]ich a tenant can sell his interest in the holding [illegible]ent it is but rarely done.

[illegible] made in money, produce, or both. The [illegible] mode in this province for tillage lands, and [illegible]t in produce is frequently stipulated in a fixed [illegible] receives one-third of the corn crop.

[illegible]ustomary valuation or competition, but free to be [illegible]seen accident destroying the whole produce of the [illegible]action of the utilities which the tenant ought to

receive takes place, one-third, one-fourth, or other part, is reduced by judicial arbitration. No reduction is allowed in the stipulated rent when the loss is of little consequence, or when tenancies are held for several year; the sterility of one year must be compensated by the abundance of others. No reduction is allowed for failure of crops, &c., when contracted not to be allowed.

For land the custom is to pay rent yearly; for house property every six, three, or monthly.

3. The landlord has an unlimited power to raise the rent, and can evict a tenant for nonpayment, ill usage of property, or by not complying with the conditions stipulated in the covenant; and, through the medium of the legal authorities, can enforce his rights.

4. In replying to the latter part of this query it is necessary to observe that the law guarantees the proprietor the payment of rent, and he has a preference over other creditors to the produce of the property and household effects. This privilege is also granted to the proprietor for deteriorations.

In Spain there are no special Courts of Bankruptcy, as in England. There are Judges of Peace, Judges of First Instance, Territorial Courts of Justice, and High Court of Justice. The Judges of Peace do not at present deal with criminal cases, but will shortly have this power. They are mediators in civil matters in which the interest does not exceed 60 escudos; their decisions or judgments given, verbal evidence is appealable before the Judges of First Instance.

Judges of Peace are numerous, and, with the Judges of First Instance, are accessible to the litigors in every small town. If the interest of the suit does not exceed 300 escudos it is tried by these Judges, with right of appeal to the Audencia, or Queen's Bench, whose decision is final. When the interest exceeds 300 escudos higher procedures are necessary, and can be carried to the Queen's Bench, Court of Error, and High Tribunal for any violation of law or legal doctrine. The appeal to the High Tribunal is the last recourse, and its sentence is equal to that of the Ho[illegible] Lords in England. Audiencias are Collegiate Tribunals, resembling the Queen's [illegible] its organisation and attributes. No questions are submitted to jury. With[illegible]ral explanations it is only necessary to add that the procedures between landl[illegible]nant for disputed valuation or rent are common. There are peculiarities in the [illegible]iction which will be endeavoured to be explained in replying to the next query.

Evictions.

1. The legal means of procedure by which a landlord evicts a [illegible]ant are by the power given by the law of eviction.

The Judges of Peace deal with evictions, and, in accordance with verbal evidence, give sentence. No notice or right of appeal ought to be allowed or admitted when this sentence is given against tenant by his not being covered by receipts for rent signed by the landlord or his representatives, nor when the landlord's petition is clear on the following points:—

1. The expiration of the time specified in the covenant.
2. Expiration of time allowed to quit.
3. For nonpayment of rent.
4. For infringing any of the conditions of the covenant.

When the evidence is not clear and doubts exist the tenan[illegible]ime to reply before sentence. The tenant can appeal, under certain restricti[illegible] of Justice on any of the above points. Tenan[illegible] dwelling-houses in eight days; mercantile[illegible] houses, farms, and buildings where labourers[illegible] notice if labourers and servants do not reside th[illegible]

The tenant is not allowed time to rede[illegible] rent.

2. Evictions are not frequent; the fe[illegible] payment of rent.

Improvemen[illegible]

1. Improvements in buildings are general[illegible] By law the landlord is not compelled to pay for imp[illegible] or if said improvement did not tend to produce a[illegible] the property does produce a larger rent by these im[illegible] same by equity.

2. The tenant can retain his holding for improvements made with consent of landlord and recover from the rent. Not having the consent of landlord to make them the tenant must separate them from the property if this can be done without injury to the property.

3. The landlord has a legal right on resuming possession to keep the improvements by payment or otherwise, according to the above-mentioned law.

4. The tenant, in the act of ejectment, can claim for improvements made by labour, plantation, &c., inseparable from the farm, and for payment can cause same to be valued by two intelligent persons selected by the interested parties, whose decision may be referred to a third in case of dispute.

5. Tenants have no means of obtaining loans from Government, special Companies, or Banks, for improvements of their holdings, and this is the principal cause of the little progress made in agriculture.

Miscellaneous.

1. No legislative interference exists for the protection of tenants, as may be inferred by the replies to the 5th query, section B.

2. Spain, and especially Asturias, offers many inducements for cultivation on a large scale. In this province the cultivation by tenants is on a limited and small scale, which requires extending; and, if aided by capital and intelligence, would produce surprising results. Tenants live with frugality; their means are small, character peaceful, and are industrious. They employ labourers on certain days of the year only, and are considered inferior to small proprietors, who generally have more resources; but the difference is not great between the two classes.

3. Between tenants and proprietors there is no increase worthy of note.

4. The reply to query No. 9, A, will show why some tenants and proprietors emigrate.

5. Public opini[illegible]s unfavourable to emigration.

6. To this [illegible] negative reply must be given. Formerly, proprietory rights were restricted b[illegible] which enforced tenures to be given to the descendants of the tenants, with a vi[illegible]btaining cultivation of the land; same law gave a preference to neighbours over s[illegible]ers.

Enforced le[illegible] legislature, paid in corn and other produce without further compensation to [illegible]ord. This system commenced to relax at the end of last century.

7. It is presumed that this query is answered by the above.

8. Public opinion is favourable to the present system, which has been established many years; it guarantees full and complete liberty.

9. Civil and ecclesiastical alienation has put property in circulation, and one of the natural effects has been the increase of small free proprietors.

10. Tenants receive no assistance by law, public credit, or otherwise, in their endeavours to become proprietors of their own holdings or of other farms.

11. The laws in force tend to the dispersion of land. First, the law of 1820 abolished the right of primogeniture and all other species of civil entail; then followed that of 1841 on ecclesiastical benefices, and finally that of 1855, which declared in a state of sale land and house property belonging to the State or appertaining to Corporations of toy[illegible]eficence, public instruction, clergy, religious confraternities, pious works, sanct[illegible] This extensive sale is an unmistakeable proof of the increase of sm[illegible]obtained property insensibly by payment which extended over a long p[illegible]

Copyhold.

[illegible] similar to those of Galicia; they were, in their [illegible] kind of emphyteutic annuities. The antiquity [illegible]f the monarchical restoration after the Moorish [illegible]uest and the liberality of Kings the Chiefs and [illegible]se uncultivated land which they could not, or [illegible]therefore, to cede portions to tenants for cultiva- [illegible] same as proprietors under two conditions: 1stly, [illegible] produce; and, 2ndly, the concession was not to be [illegible]nd generally lasted for the life-time of three Kings. [illegible]r of the tenants converted the uncultivated land into [illegible]arms, which the original owners endeavoured to obtain [illegible]he conclusion of the period of concession. The tenants,

who had held possession for more than 100 years, resisted. The owners demanded the faith of the contracts and the tenants demanded equity to the most numerous and productive class, which would be ruined, together with public peace and prosperity. The Tribunals of Asturias and Galicia could not agree or settle this important matter, and in 1770 a law was put in force to suspend these pending suits of copyholds. In 1771, at the proposal of the Council of Castile, the Tribunals of Galicia and Asturias again endeavoured to settle the question, but without any result; and, after various reclamations, the bases of the perpetuality of copyholds were recognized, and are now confounded with emphyteutic annuities and subject to the same rules, which ought to be redeemed, as the motive for not doing so has ceased for the present, stated in the late law dictated by the Council.

(Signed) WILLIAM PENLINGTON,
Vice-Consul.

Gijon, November 20, 1869.

Inclosure 4 in No. 3.

Report respecting the Tenure of Land in Carthagena, Province of Murcia.

Population.—380,969.
Religion.—Catholic; other religions being tolerated.
Industrial Pursuits.—Agriculture, produce of silk, mining and smelting.

LAND OCCUPATION.

(A.)—SMALL PROPRITORS.

1. Quantity of land usually held by each is from 40 to [illegible]es, and is rarely intersected by other properties.

2. On the death of owner, the land, if not entailed, is di[illegible]d in equal parts amongst those in succession.

3. Legal method for sale, transfer, exchange, or division of such properties is by Registry, the purchaser paying 2 per cent. to the Government, and other minor expenses for deeds, &c.

4. The facilities afforded for raising loans on such property are generally by private individuals; these loans invariably are to assist the proprietor during bad seasons, and for a term of three years, and if not paid at the termination of the specified period, the mortgagee has the right of levying on the property for the amount.

5. These properties are generally mortgaged for two-thirds of their value, and at the high interest of 10 per cent. to 12 per cent. per annum.

6. A deed of mortgage passed through the Registers Office, the cost of which is according to the amount, value of property, and class of mortgage.

7. Wheat, barley, Indian corn, red pepper, and vegetables of every description. Barley succeeds wheat, and when the land is irrigated, Indian corn succeeds the barley crop on the same season; that is to say, two crops in the nine m[illegible] if not maize, vegetables: in fact, when water is abundant, the land is cont[illegible] cultivation, which is on very much the same system as in England, excep[illegible]ughing is never deep. On small properties no stock is [illegible], as the country is open, and thereby not adapted for th[illegible]own on account of the great heat and drought.

8. Up to the present machinery has not be[illegible] of arid land, the farmer and two men are suffici[illegible] for the harvest; in irrigated land for such a far[illegible] Female labour is seldom or ever employed. The [illegible] is 1*s.* 4*d.* per diem, and those that reside with th[illegible]

9. The emigration for the last six months ha[illegible] (Oran), to the extent of 1,000 persons per month, [illegible] Through the dearth of rain the land has remained u[illegible] families have been obliged, in many instances, to emig[illegible]

10. The proprietor generally lives on his proper[illegible]

11. They are in general well-housed, fed, and cl[illegible] harvests for the last three years, their circumstances are [illegible]

12. This question remains unanswered as the statistics of this province are imperfect on this head.

13. The public opinion is, that the system of raising money on land now in practice is most disadvantageous and ruinous, but have expectances that the Government will adapt banks or Companies to make the required advances on terms that will be beneficial.

The proprietor thinks that machinery could be used to the greatest advantage in certain parts of this country, yet the landlord is cautious as to introducing the same, on account of the extraordinary prejudices that arise amongst the lower classes; an obstacle difficult to conquer. English implements for agriculture they will not touch, and allow them to rot in the shed—being too cumbersome.

(B.)—Tenants and Sub-Tenants under Landlords.

Tenure.

1. From eight to twenty acres in irrigated land, and in arid land, from thirty to a hundred and upwards.

2. The tenure is generally from year to year, and its duration consists invariably on the tenant, entering on the 1st November, and giving notice of leaving on the 24th June.

3. The tenancy is created by a written agreement, signed before witnesses, or by public deed, before a notary. When no agreement exists, the tenant is at the mercy of the landlord.

4. A written agreement is always more binding made by a notary public. Agreements are not registered.

5. No law or custom gives a right to a tenant to remain in occupation against the desire of the landlord.

6. A tenant has a right to sell his interest in his farm without consent of landlord, always fulfilling the conditions of his agreement.

Rent.

1. The payment of rent is paid according to the class of soil; for irrigated, a fixed rent; and for arid, by terrage, or 20 per cent. of the produce, as well as one-half of the olive crop.

2. The rent is regulated between landlord and tenant by agreement, wherein are inserted various conditions, according to the class of farm, and which is recognized by Courts of Law. The rent is payable on the 1st November of each year; no hanging gale being allowed.

3. The landlord has an unlimited power of raising the rent and of eviction in case of non-payment.

4. The legal means for recovery of rents, in the first place, is to summon the tenant before a Magistrate to prove the debt; and, if no reconciliation takes place, a Judge's warrant is obtained to restrain.

Evictions.

1. Lega[illegible]viction are through the District Judges' Court, who summons the tenant, [illegible] of non-fulfilment of agreement orders eviction, having the crops in th[illegible] by two competent persons, as well as the manured land; and if there [illegible] the rents due, the farm implements are also valued, and if the[illegible] tenant is ordered to pay by monthly instalments until the wh[illegible] having no mode of resisting such eviction.

2. [illegible]d generally from the same cause—non-payment of ren[illegible]

Improvements.

[illegible] kept in repair by the landlord.

[illegible] consent of the landlord, when conditions of security

[illegible]ng possession has to pay the outgoing tenant for all [illegible]ed by two competent persons named by the landlord [illegible]lated to the contrary in the terms of agreement. It is

of the greatest importance to the landlord to have it so stated, that such improvements should not exceed a certain amount, as it has been known in several instances, where a tenant has remained a long period in the same farm, that the improvements have amounted to more than the value of the land when he took possession, so that in some cases the farmer has remained with the property.

4. The landlord has no legal right without stipulated in the agreement.

5. The tenant in respect to loans, is placed in a very false position; his stock in general is worth little, and consequently can get no advances from bankers, and his general mode of proceeding is to borrow money on the forthcoming crops from private individuals at a fixed tariff, and on the good faith of the tenant.

Miscellaneous.

1. The relations between landlord and tenant are friendly, and the tenant has the same legislative interference as that given to the landlord.

2. As regards the cultivation of these tenants, employment of labour, mode and standard of living, independence, and general circumstances, are very inferior to the small proprietors.

3. Information on the increase of the population among tenants, as compared with that of small proprietors, has not been obtainable.

4. Within the last few months, several tenants with their families have emigrated to Oran, on account of the bad state of the country in an agricultural point.

5. Public opinion on the foregoing system has been little taken into consideration.

6. The creation of freeholds or tenancies by proprietors, or the granting of leases, has never been enforced by legislature.

7. No case.

8. Some like system is reported to be under the consideration of the Government.

9. There is no system in force by the Government to create or increase the number of owners or freeholders.

10. Tenants receive no assistance by law or otherwise, to become proprietors of their own holdings, or of other farms.

11. Laws have been in force for the last three years for the [illegible]le of mountainous land; Government property, being sold by public auction, and pa[illegible]able in seven years by annual instalments.

Copyhold.

There are no tenures resembling the copyholds of England.

(Signed) EDMUND J. TURNER, *Consul.*

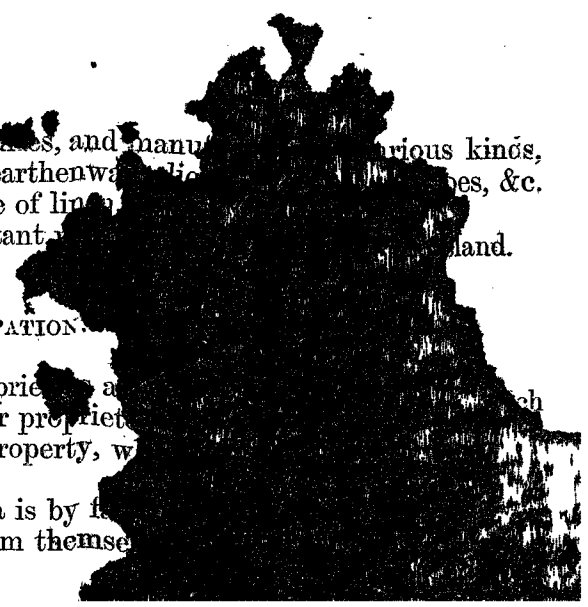
Carthagena, October 12, 1869.

Inclosure 5 in No. 3.

Report on the Tenure of Land in the Balearic Islands.

Name of Country.—Balearic Islands.
Population.—269,000.
Religion.—Roman Catholic.
Industrial pursuits.—Chiefly Agriculture.

In Majorca, there are factories, and foun[illegible]s, and manu[illegible]rious kinds, such as cotton, woollen, and silk goods, glass, earthenwa[illegible]es, &c.
In Minorca, shoemaking and manufacture of li[illegible]
In Ivica, salt pans, which yield an important [illegible]land.



LAND OCCUPATION.

In Majorca, the farms held by large proprie[illegible] a[illegible]ch system is also generally followed by the smaller pr[illegible]riet[illegible] who reside in the villages adjacent to their property, w[illegible] their farms themselves.

The system of land occupation in Minorca is by f[illegible] proprietors, and with small proprietors who farm themse[illegible]

Property in this island is very much divided, particularly in the vicinity of the towns and villages, and especially in the environs of Mahon, the capital: the consequence of this is, that there are a great number or small properties, almost all of which belong to the labouring classes, who, while employed for some part of the year on the larger estates, cultivate in their leisure their small holdings.

(A.)—Small Proprietors.

1. It is very difficult, indeed almost impossible, to ascertain even by approximation the dimensions of these small properties. Both in Majorca and Minorca, property is greatly divided, and in the former island large and small properties are dispersed throughout.

In Minorca there are more than 7,000 divisions, varying from 1 to 2 acres up to from 17 to 20 acres, each belonging to upwards of 5,000 different proprietors. As a rule, each of these small properties are under one holding, but there are some proprietors who are the owners of several of them, separately situated, which they cultivate themselves.

2. The law in the islands regulating the descent and division of landed property on the death of owner, is the Roman Law, Novela cxviii, of Justinien.

3. The transfer of property is effected by means of a public document extended before a notary public, it being indispensable for making a deed of this kind that the property should have been previously registered in the "Registry of Properties."

The fixed fees of the Notary vary according to the value of the property, the smallest fee being, about 2*s*. 9*d*. and the largest 1*l*. 1*s*. Larger fees may, however, be charged in cases of extraordinary difficulty, but they do not usually exceed 4*l*. The transfer of property by sale, pays to the State a duty averaging 3 per cent.; *i.e.* when the transfer is by inheritance, not in direct lineal descent, the dues recoverable by the State vary from 1 to 10 per cent. according to the degree of relationship which may exist between the party leaving the property, and the legatee, the duty increasing in proportion to the distance of the relationship. Inheritance in direct lineal descent pays no State duty. It is to be remarked, however, that whenever private properties are sold, the purchaser is liable to pay an allodial duty of 2 per cent.; but so old is the custom establishing such duty, that the persons having right to receive it, sometimes cannot be found.

4. There are no special facilities for raising loans upon such properties.

5. In Majorca there are properties, heavily mortgaged, which in the end are frequently sold either amicably or judicially, at the instigation of the creditors. The rate of interest in this island being commonly 6 per cent. In Minorca property is not heavily mortgaged. and the rate of interest there, is from 4 to 5 per cent.

6. A public registry office of property exists, where the agreements stipulating the mortgage on farms are to be produced. These agreements, whereon the proper entry of their having been registered is made, are returned to the interested parties who pay the Registrar's fees, which are about one penny a line. This is the only formality required.

7. In Majorca the crop of corn and grain is first raised; from August to December that of almonds, grapes, carrot-beans, olives, and oranges. For the cultivation of cereals the old Roman plough is still used. The ground to be sown is parcelled out, each portion being [illegible] two years. In the first place horse-beans are sown, and in succession wi[illegible] or oats. For the cultivation of vegetables the earth is prepared bet[illegible] ows, the ground having been ploughed and dressed thrice.

Stock [illegible] in [illegible]rms of great extent. In small ones the pastures are usually sold tho[illegible] on a small scale is sometimes raised on them, and when the pastures are not s[illegible] stock is removed to other small farms, where pastures may be purchased.

G[illegible] very sc[illegible] in these islands, and ground being generally dry, those lands [illegible] rrigatio[illegible] reserved for other cultivation. The principal crops raised [illegible] inorca a[illegible] wheat and barley, especially wheat; usually these small properties are there sown with wheat every alternate year. The year in which they are not so sown being generally employed for vegetables, pains being taken to manure the land in this year.

W[illegible] in the last ten or twelve years, the moniato-plant, *Convolvolus batatas*, has been introd[illegible] with most satisfa[illegible] results in fresh and watered lands, its stalks affording an [illegible] fo[illegible]e for c[illegible] while it produces a considerable quantity of the root, a

species of sweet potato, which is one of the chief articles of food of the family of the agricultural labourer. In well watered lands there have been instances of single plants yielding from 20 to 25 lbs. of the vegetable, and even on an extraordinary occasion to 45 lbs.

These minor properties in Minorca generally have no cattle on account of their small size and the system of their cultivation which does not admit of the growth of pasture.

8. No kinds of machinery are used in the cultivation of land, the old fashioned Roman plough drawn by oxen or mules, and the hand-hoe, being the only agricultural implements employed in aid of manual labour. It is impossible to ascertain the average number of labourers male and female employed to the acre, as it depends so much on the kind of cultivation, the quality of the lands, the season, and the farmer's skill and care. In Minorca, however comparatively, very few labourers are employed and female labour hardly at all.

The wages of the labourer in Majorca, are from 10*d.* to 1*s.* 3*d.* per day, when he maintains himself, and 5*d.* when maintained by his employer, and the wages of women—who do not usually live on the farm but are more employed here—are half those paid to men. In Minorca the wages average 1*s.* per day when the labourer maintains himself, and about three-fifths of this sum when maintained. In time of harvest, however, the daily wages in this island increase from 1*s.* 6*d.* to 1*s.* 10*d.* and sometimes more, the labourer being at this time invariably maintained by his employer. This increase is the effect of the hard labour necessary at this season, and the scarcity of the number of labourers available. This is owing to the necessity of reaping the wheat in a limited time on account of the winds, so frequent in this island, which threaten the destruction of the crops from the moment that it is ripe. Women, when employed there, earn three-fifths of the wages of men.

9. In Majorca emigration is rare, if any agricultural labourer emigrates, it is only at the instigation of a friend who has been successful in Algeria or America. In Minorca, however, among these agricultural labourers, emigration has been considerable during the last twenty-five or thirty years, but it is not possible to state to what extent, as no record exists of the number of emigrants, The chief cause of this emigration has been rather the unconquerable aversion which these Islanders have to military service, which is compulsory in Spain, than the difficulty of living in the island. This, added to the proximity of Algeria, where the early emigrants after the French conquest found a means of living better than in Minorca, a climate very similar to that of their native country, and a great facility of the means of transport thither, and of return home, have contributed to increase the emigration to an extent which it might not otherwise have had, considering the favourable circumstances of the island, its tranquillity, healthiness, cheapness, &c.

10. These small proprietors generally live in the villages adjoining their holdings. In the neighbourhood of Mahon, where it has been remarked that property is divided to an extraordinary extent, besides finding the country thickly dotted with small houses, hamlets are found of from 50 to 60 and 100 houses, with a population of from 150 to 350 inhabitants. The chiefs of these families are for the most part the owners of the cottages which they inhabit and of a small piece of land which they cultivate.

11. Throughout the islands the houses of the small proprietors are wanting in those accommodations which are to be found where the modern improvements are better known and received; but in general their families are housed with a certain degree of comfort relative to their position. In Majorca, where the small proprietors form a wealthier class, their food is frugal and they are modestly [illegible] their average annual expenses do not exceed 100*l.* In Minorca, where the [illegible]n poorer, their cottages are of a cleanliness which is remarkable, being white[illegible]she[illegible]si[illegible]nd outside twice a month. Their clothing, bedding, &c., are also very clean. [illegible]od, which is well prepared and abundant, is exclusively composed of vegetables [illegible]. Their life is almost patriarchal, and their habits moral and religious.

12. No statistics exist which give the population per acre, or t[illegible]increase in the population. In Majorca, however, it appe[illegible]hat th[illegible] small proprietors has increased on a great scale since 1833 ow[illegible]g to the laws in [illegible]gainst mortmain, since which time innumerable portions [illegible]r large properties held under mortmain have been sold. With regard to Minorca, from what has been previously remarked, it will be understood that, in the vicinity of M[illegible]on, the rural population is much greater than in the remainder of the island, where properties of 600 to 1,000 acres and more have only one house inhabited by one f[illegible]ly. The greater p[illegible] of the labourers of these estates living in the villages at some [illegible]ce.

13. The prevalent opinion in Majorca is, that the division of property has greatly contributed to the increase of wealth; but it has been remarked that the clearing of the forests consequent thereon has caused infrequency of rain, which is regretted.

It has been observed in Minorca that, as a rule, the small properties in the neighbourhood of the villages, are much more highly cultivated than the larger ones, producing more in proportion.

These small properties could only exist in the island in the vicinity of the villages, since in parts more distant their small produce would not be equivalent to the expenses of their cultivation.

These properties so much divided, could also only be in the hands of the labourer. The great proprietors when possessing them, annexed them immediately to a larger estate. As a rule the number of small proprietors is decreasing, as the more fortunate among them buy up their less successful neighbours. Ten or twelve years ago the greater part of these small properties were vine-yards, which were destroyed by the odium or grape-disease, and hence their conversion into general cultivation.

(B.)—Tenants and Sub-Tenants under Landlords.

Tenure.

The greater part of the queries under the above heading have no application in Minorca, the system of tenants being there almost unknown. The only system there established is that of partnership between the landlord and farmer, hence there are no special laws nor customs being upon the subject. In the rare instance of land being let, the owner is free to make such conditions as circumstances and his judgment dictates.

1. In Majorca there are tenants cultivating three or more farms at once, although this is not often the case, many such farms being 2,500 acres and upwards in extent. Sub-tenants are very few as large properties contain a great number of acres of pine-wood, woodlands, and copses, a great part of which are unproductive. The quantity of land usually held by one farmer in Minorca varies from 50 to more than 1,000 acres.

2. The duration of a tenure in Majorca is commonly from six to nine years; sub-tenancies are arranged by the tenants, with the landlord's previous consent. The system of partnership in Minorca has for its principal bases the equal division of the produce of a farm between the landlord and the farmer, who undertakes the farming and cultivation. This arrangement is governed by a written contract, the principal conditions of it are as follows:—

(1.) The landlord delivers to the farmer the land, buildings, dwelling-house, mill, and oven, &c., all in working order.

(2.) A certain number of agricultural implements and utensils under inventory.

(3.) The cattle necessary for working the farm, breeding, &c., under specified value.

The farmer on his part undertakes—

(1.) To farm the land and cultivate it according to the custom of the country, and with due regard to the interest of the property.

(2.) To provide all labour and seed required.

The produce as well of cattle as of kind is then equally divided between landlord and farmer.

3. The ter[illegible]reated by written agreement; otherwise the duration of the tenancy is only [illegible]ear.

The coven[illegible]establishing the conditions of the partnership arrangement is a private wr[illegible]n c[illegible]tract, signed by the two interested parties. The terms are governed merely by cu[illegible]m, and there is no law or legislation on the subject; as to the duracy of partners[illegible]p unlimited, and lasts until one of the two contracting shall give notice of [illegible]d si[illegible]o terminate it.

4. [illegible]ten [illegible]reements [illegible]ould be registered in the office of mortgage, as they genera[illegible]tain some mort[illegible]e on the estates of the tenant as security for his engagements; an[illegible] it is not many years since that by a law in force such agreements were li[illegible]le to pay a registry duty to the Government.

There is no obligation to register the partnership contracts in Minorca, nor is it in any case the practice to do so.

5. [illegible]ere is no law or custom in Majorca whereunder a tenant is considered as having [illegible]ight to remain in possession of his holding under any circumstances against the w[illegible]he landlord.

There is neither in Minorca any law which enables a farmer to remain in occupation of his holding longer than the landlord desires.

6. No law or custom authorizes a tenant to dispose of his interest in a farm without consent of the landlord.

Nor can a farmer in Minorca dispose of or make over to another his interest in a farm without the perfect consent of the landlord.

Rent.

1. A fixed amount to be paid in money is generally stipulated, although some small properties are cultivated in Majorca as in Minorca on joint account: that is to say, that all the expenses of cultivation are borne by the tenant, who divides the produce with the landlord in the proportion stipulated in the agreement, according to the quality of lands and the plantations.

As before stated the partnership system in Minorca consists in the equal division of the produce between the landlord and farmer. In the case of cattle or kind, which cannot be divided, it is sold and the product thereof divided.

2. The rent is regulated by mutual consent of the parties, never by custom or valuation; auction is only resorted to in cases in which the tribunal interferes, or it is question of estates which have not yet been sold by the Government. The payments of the rent in money are made in three instalments and in kind at the time of crops.

3. The power of the landlord to act for non-payment of rent or breach of covenant or otherwise, is only such as may be expressed in the agreement.

The landlord has no other rights or power in the case of partnership than those stipulated in the contract referred in answer to query 3 under the previous heading, having only the power of ending the contract under due notice, when dissatisfied with the farmer's proceedings.

4. Tribunals are authorized by the laws to adjust the claims which arise between tenants and landlords, who have by the laws a right of preference to any other creditor over the produce and everything existing in the farm for the payment of rent. In Minorca, when any breach of covenant occurs of a criminal nature, it is judged by the ordinary tribunals, there being no special legislation on the subject. Trifling disagreements are arranged by friendly arbitration named by the two contracting parties, according to the established custom.

The nature of their contracts affords to the landlord the perfect security of his portion of the produce or kind over any and all creditors which the farmer may have.

Evictions.

1. The legal means of procedure consists in summoning the tenant before the Justice of the Peace. If he does not comply with the request of the proprietor, a lawsuit with the previous proper notification is instituted, which may be of long or short duration, according to the terms of the agreement. If a sentence is passed and is to be immediately executed no delay is allowed for payment in consideration of the time which may have elapsed from the date the claim was made to the notice of the sentence.

In Minorca, when either of the contracting parties in partnership desires to terminate or alter the terms of the contract, he is obliged to give notice to the other party before the 1st November of any year, which notice would terminate the contract on the 15th August following, and until this latter date all the conditions originally stipulated exist and remain in force. In January, however, the retiring farmer delivers to his successor the oxen which he had received under value, in order that the farmer entering may begin to work the land on his own account.

Cattle which may exist over and above that originally delivered under valuation, is divided between the two contracting parties. The landlord, however, in some cases, stipulates that all the cattle shall remain in the farm, he paying the retiring farmer the proportion of the value thereof.

As a rule all the questions in this island which create difficulty in their settlement are arranged by friendly arbitration.

2. Cases of claims for non-payment of rent do not frequently occur; nor are evictions or termination of contracts under partnership frequent, for two principal reasons: 1st, because the landlord as well as the farmer, as a rule, act with good faith; and 2nd, because both are convinced that it is not to the interest of one or the other that there should be frequent changes. Many families of farmers in Minorca administer for two or three generations the same farm, and there are even some that for [illegible] have

administered the same property. Among these people this is a title of honour and respect.

The causes of evictions are not special, as they may naturally depend upon the convenience of either proprietor or farmer. There is no difficulty in finding good farmers on the above-mentioned terms.

Improvements.

1. Both buildings and agricultural improvements in Majorca are made by the landlord, or on his account, and never by the tenant.

In Minorca, also, all permanent buildings or improvements, as a rule, are executed by the landlord at his own discretion. The farmer, however, helps by labour under special circumstances, from which he would derive immediate benefit.

2. The farmer in Minorca has no security or direct recompense for any improvements he may make.

3. Improvements in Majorca are inherent to the farm; the tenant has only the right to take with him those, the removal of which is not detrimental to the farm; having no claim for any improvement made by him without the consent of the landlord. Nor has the farmer in Minorca any security or direct recompense for improvements he may make.

4. As stated in reply to Query 1, all improvements become the absolute property of the landlord.

5. There are no special facilities enabling a tenant or farmer to raise loans for the purpose of improving their holdings.

Miscellaneous.

1. The relations between landlord and tenant in Majorca are friendly. In Minorca, notwithstanding that the cultivation of farms by a covenant which does not suppose direct service on the part of the farmer towards the landlord, and which specifies to each compensating rights and duties. In the relations, which are generally most friendly, the position becomes more or less that of master and servant, the farmer being very respectful towards his landlord. Legislative interference is rarely required by the tenants for their protection.

2. The system of cultivation in Majorca is common, both to small proprietors and tenants; they commonly live on the property, and are wont to pay the rent generally with punctuality. Almost all tenants possess some property of their own, notwithstanding this, their character is inferior to that of small proprietors. The cultivation of the larger farms in Minorca by partnership, is similar to that of the small properties, with the difference that the rotation for sowing wheat is one year in three, instead of every alternative year, and that the cultivation in general is not so perfect.

The principal products are wheat, barley, and cattle, vegetables and fruit being on a much smaller scale, and wheat preponderating above all.

The land under cultivation in Minorca is divided in three distinct parts; one being sown, one prepared for sowing on the following year, and the one last sown being stubble as pasture land.

From this it will appear that land is sown with wheat every three years; that is to say, that there is always a third of the cultivated land of the island sown with wheat. Barley is sown in small quantities in proportion to wheat, and in inferior land, but sometimes, after wheat crops, in better land.

Vegetables are planted in the land under preparation for the next wheat crops, animal manure being then freely employed, which system is found to improve the land for the wheat. Land in this island, on the whole, is well tilled. A system has developed of late for the manuring of the land which gives good results to the proprietor, while it is at the same time very beneficial to the poor labourers. When the farmer has choosen sufficient of the land under preparation for the wheat crops, for planting the vegetables he may require, or for which he has manured, he allots to the poor classes such small portion of it as they may be able to plant with vegetables, imposing upon them the only condition of their using a stipulated quantity of manure, which is dear in Minorca. The cultivation of vegetables requiring great attention, care, and manure, this plan has been found to work well. The poor labourer becomes for a season a small proprietor, his family collecting manure on the high roads, and taking care of the crops, while he is employed at other work; and thus the potato, which is the bread of the poor in Minorca, becomes within his reach to an extent that it would not otherwise do, while the farmer gets his land worked and manured better

than he would be able to do on his own account. The land for this purpose is much solicited by the poor, and a notable improvement has been found in the quality of that so given out for cultivation.

The breeding of cattle in Minorca is not an object of great care and attention, although it forms a produce of considerable importance, and in this branch of agriculture there is little advancement. A few years ago, however, was introduced with good result the "zulla"—"sainfoin d'Espagne" (*Hedysarum coronarium*), for the object of providing pasture for the cattle, which hitherto had no other food than the herbs in small quantities, which form the natural produce of the grazing lands, the picking of the forest, and the straw: hence, in years of drought, they were often left to perish of hunger. Fruit trees, fruit and vegetables in general can only be cultivated in the well watered and sheltered lands, so that in Minorca the produce is limited, but it is of excellent quality. In Majorca fruit is largely cultivated. The partnership farmers in Minorca are in general, honest, industrious, frugal, and cleanly. They, although ignorant, and without any education, are intelligent, economical, but somewhat distrustful. They are of good moral and religious habits. Their position is considered to be similar to that of simple labourers, who are the small proprietors, with the exception of those who possess certain means and relative instruction, who enjoy great consideration among the others.

3. No means exist of ascertaining the rate of increase in the population among tenants or partnership farmers, as compared with that of small proprietors.

4. Emigration in Majorca is so rare that there may be said to be none. Among the partnership farmers in Minorca it is not so considerable as among the small labouring proprietors and poorer classes, as the farmers require of their sons to aid them in the cultivation of the farms; hence they endeavour, by all the means in their power, to buy off their children from military service. This circumstance often acts prejudicially in the cultivation of the farms, as the farmers have sometimes to sacrifice a considerable sum of money where there is a large family, which they might otherwise employ in the better farming of the land.

5. Although it is difficult to ascertain the prevalent opinion as to the advantages and disadvantages of the above system of partnership, it appears to be generally considered as that most advantageous in Minorca to the proprietor, for, although some proprietors have undertaken the administration of farms by themselves, or by tenancy, they have, in all cases, been obliged to return to the system of partnership, it being found to give them by far the best result: a proof of this is that that the farmers, while securing a livelihood for themselves and their families, seldom become independent under this system, although they may have administered a good farm for many years. From this it appears that the half-share of profits which the farmer receives does not represent more than good and fair wages for himself, while it is evident that, as his income depends upon, and is at stake upon, the good management and care of the farm, the proprietor inevitably benefits by his interested labours to an extent which he could not hope to do did he employ the farmer merely as a labourer, while labour, on a greatly increased scale, would be necessary to attain similar results. There is no doubt, however, that, if the proprietors were to live on their own farms, as their ancestors did, and gave their own attention to the cultivation of them, the result would be, in every respect, better. In Majorca it is also to be regretted that the large proprietors do not take more special care of their property. It has been proved, in order that a farm under the partnership system may give good results, that it must be sufficiently large to enable the farmer and his family to live upon it with a certain degree of ease, while, on the other hand, if it be too large, the cultivation is often neglected; and it is evident, at the same time, that, without the good faith and honesty which, as a rule, exist on the part of the farmers in Minorca, the system of partnership would be impossible, as they naturally have it in their power, whatever checks the landlord may impose, to defraud him of his fair share of the produce of the farm, should they be dishonestly disposed. On the other hand, it does not seem to be the opinion that the position of the farmers in Minorca could be improved under any other system, as they are, for the most part, persons without capital, who would be unable to resist fluctuations in the market, and the years of bad harvest.

There are, in the island, some proprietors whose families, for generations past, have lived on their estates, farming them themselves, and these farms are generally more highly cultivated, and give better results, than those let out under partnership. This class are in a good position, and increase their fortune.

It is the prevalent opinion that the system of evictions at present followed in Minorca is defective, since the farmer, while he has notice to quit from the first of

November, remains on the farm until the 15th of August, and, during this time, his interests are naturally opposed to those of the landlord. Endeavours have been made to modify this by arranging that the landlord, on giving over a farm, should deliver the land tilled for the following year, and receive it in the same condition from the farmer on his retirement. By this means, it would be sufficient to give notice to quit fifteen days before the end of harvest.

6, 7, 8. No special laws on the subject of freeholds or tenancies exist.

9. No steps have been taken by the Government in regard to the number of owners or freeholders, with the exception of the sale of mortmain.

10. No assistance is given to tenants in their endeavours to become proprietors.

11. The law of succession being that which most influences the accumulation or dispersion of land, and the Roman law being that ruling in these cases, which permits the owner to leave his property whole or divided, and the right of primogeniture having been annulled and prohibited, the tendency of the law appears to be towards the dispersion of land.

Copyhold.

Formerly many sales and tenancies were made by the system of imposing upon the purchasers of an estate a fixed annual payment, burdened on the estate itself. This claim was invariable and irremovable, the proprietor or his heirs having the right only to retake possession in the case of the purchaser or his heirs failing the payment for a given term. There are many of these pensions existing, but no new ones are made.

Inclosure 6 in No. 3.

Report respecting House and Land in Guipuscoa.

Name of country.—Guipuscoa, Basques Provinces, Kingdom of Spain.
Population.—162,547 inhabitants, according to the last statistics.
Religion.—Roman Catholics.
Industrial pursuits.—Iron, cotton, printed goods, paper, matches, peasants' caps, cloth, cement, porcelain wares, &c., &c.

LAND OCCUPATION.

Small proprietors and tenants under proprietors in the proportion of $\frac{19}{20}$ of the last to $\frac{1}{20}$ of the former.

(A.)—SMALL PROPRIETORS.

1. The quantity of land held by each small proprietor is about fifteen acres, and they are usually intersected by other properties.

2. The general law of Spain.

3. By an Act drawn before a Public Notary, duly attested by two witnesses, and registered in the Notarial Acts. The cost of the Act and registration varies between 10*s*. and 15*s*.

4. None whatever.

5. They are not, but in such case the usual rate of interest is from 4 to 5 per cent.

6. The mortgages are registered in mortgage books, which are kept in each judicial district, and the cost of registry is that fixed by the general law of Spain.

7. Corn, turnips, and maize, or Indian corn. The corn is sown in the month of November, and reaped in the month of July. Turnips are sown after the corn, and consumed by the cattle during the winter months. In April Indian corn is sown, which is gathered towards the end of September, and again corn is planted in the following November. Between rows of corn generally horse beans are planted, and common beans between the Indian corn. Every proprietor has a small portion of mountainous land, where the cattle is turned in summer, and in winter is fed with turnips, stalks of Indian corn, besides what the cattle can find by the roads and mountains. There are no pasture-fields or grass-lands. The land for planting corn is tilled with a primitive plough, and for maize with two-pronged forks, which removes very sufficiently the ground, although with great manual cost of labour.

8. No machinery is employed, and all the tillage implements are of the most rustic kind. In small properties every member of the family works according to their means. Some of the proprietors hire labourers when the ground is to be prepared for sowing, at the rate of 6 reals a day (1*s.* 2½*d.*); others feed them, and only pay them from 6*d.* to 8*d.* a day; and, finally, others get their neighbours to work for them, feeding them, but without any pay, on condition of doing the same in return when their lands are to be worked. Female labourers are paid from 8*d.* to 10*d.* a day, but they are not generally employed. Labourers hired as domestics, and are fed in the house generally; boys from fourteen to twenty years are paid from 4*l.* to 6*l.* per annum.

9. Many of the labourers emigrate to South America for want of labour. There is no statistical data to give the percentage of emigrants.

10. Most of the small proprietors live on their properties.

11. They are badly housed, and they have none of the comforts the English farmers are accustomed to. They live almost all the day in the kitchen, which is almost always black, dirty, and full of smoke. Their usual nourriture are beans, cabbages, milk, chesnuts, and, instead of bread, Indian corn-cakes. They seldom have meat, now and then a small piece of bacon. Their beverage is apple cider. They generally dress in linen stuffs, made of home-spun yarn.

12. There is no statistical data to answer this question.

13. None.

(B.)—Tenants and Sub-Tenants under Landlords.

Tenure.

1. It varies between six and ten acres of tillage land.

2 There is no fixed period of duration of the tenure of land, and it varies according to agreement between the landlord and tenant. To evict a tenant when there is no agreement made before, notice to quit must be given to the tenant before the 24th of June, and he has the right to remain till the 11th of November of the following year. There are no sub-tenancies.

3. Most generally the tenancies are created by parol agreements; and as almost always they are held in one family, from father to son, &c., very seldom written agreements are used. Where there is no agreement, the law declares to be the duration of tenancy what is customary in the country, and, as I have said before, a tenant has the right of retaining the tenancy for a period of nearly fifteen months, from the 24th June to the 11th November of the following year after he has received a notice to quit.

4. Such written agreements are drawn by a public notary, attested by two witnesses, and duly registered in the public notarial acts.

5. The law declares that a tenant has the right to remain in occupation of his holding so long as he punctually pays the stipulated rent, but, as this can be risen by the landlord if there is no written agreement, this law can be easily evaded by the landlord, and tenants very seldom apply to it for protection against eviction.

6. None whatever.

Rent.

1. Most generally the rent is paid in money. Sometimes the tenant shares by equal parts with the landlord the annual produce of the property; and, lastly, the rent is partially paid in money, and part in produce.

2. There is neither law or custom to fix the value of rent, which depends entirely on the will of the landlord. Generally a 3 per cent. yearly interest of the cost of the property is fixed for its rent, which is payable or due on the 11th of November, but is generally paid at Christmas time. There is no hanging gale.

3. The landlord has an unlimited power to raise the rent, and of eviction in case of non-payment of rent or breach of covenant, but only after given notice, as described in answer to query 2nd of land tenure.

4. To recover the rent, or enforce any other claim of [illegible]nant, if the value [illegible]nder 6*l.*, the landlord assigns him before the justice of peace, who, after hea[illegible]g both parties, gives his judgment; but, if any of the two parties do not agree to it, the suit is carried to the Court of the District Judge of First Instance, whose decision must be approved by the superior Court of Justice before it can be enforced. In case the value of claim is more than 6*l.*, the suit is taken direct by the Judge of First Instance. In case of failure or non-payment of rent, the landlord has the right to seize [illegible]ll the goods, produce, or cattle that there is in the property belonging to its tenant.

Evictions.

1. By assignment before a judge of peace, if the value is under 6*l.*, and before a Judge of First Instance of the district if the value exceeds this sum. The notice to quit must be served, as I said before. The tenant has the right to appeal to the judge who, hearing both parties, decides the case. In case of eviction for non-payment of rent, the tenant has sufficient time to redeem from the 24th June to the 11th November of the following year.

2. Evictions are not frequent, and almost always the cause of eviction is neglect of the tenant in working and taking good care of the farm. A good working tenant is always able to pay the rent. It seldom happens that the harvests are so bad that the farm does not produce enough to pay the rent.

Improvements.

1. Buildings are always executed by the landlord; other improvements, as planting trees, &c., by the tenant.

2. Under no other security than that which he can testify by witnesses in case of law-suit.

3. The landlord has a legal right to the improvements made by the tenant upon his farm, but, if the tenant has any claims for improvements, the law appoints surveyors, who, by a pericial act, decide the value of the improvements.

4. This pericial act is enforced by the judge of first instance.

5. The tenants have no means of raising loans from Government companies or banks, and they need not raise money for improvements; when they are of a certain value they are made by the landlord, and the only improvements of the tenants are in the planting of trees and better cultivation of the land.

Miscellaneous.

1. The relations between landlords and tenants are friendly, and little legislative interference is required. Tenants have not special laws for their better protection.

2. Tenants cultivate the land, and live exactly as the small proprietors; in fact there is not the slightest difference between them.

3. There is no statistical data to answer this question.

4. Tenants only emigrate when they cannot find a farm to hire in the country. Want of labour is the cause of emigration. As almost all of them go to France to embark, it is impossible to say to what extent.

5. The above system is considered good generally.

6. Legislation has had no interference in the creation of freeholds or tenancies by proprietors.

7. None.

8. There are no complaints against this system, either from tenants or landlords.

9. The only step the Government has taken to create or increase the number of owners is to sell the lands belonging to the municipalities, convents, churches, &c., with great facilities for the payment of such properties.

10. Tenants do not receive any assistance by law, public credit, or otherwise, to become proprietors. Such endeavours are not frequent, because the proprietors do not like to sell their properties.

11. The inheritance laws tend to favour the dispersion of land.

(Signed) JOSE DE BRUNET,
Acting Vice-Consul.

Sansebastian, December 14, 1869.

Inclosure 7 in No. 3.

Report respecting Tenure of Land in the Province of Biscay.

Name of Country.—Biscay, Basque Provinces, Spain.
Population.—200,000 inhabitants.
Religion.—Roman Catholic.
Industrial Pursuits.—Mining, manufactures of iron and fire-arms, preserved provisions, village, coarse cloths, shipbuilding, flour mills.

Land Occupation.

A. Small proprietors may be considered to hold about one-fourth of the land.

B. The remaining three-quarters by tenants holding from proprietors. There is no sub-tenancy.

(A.)—Small Proprietors.

1. The quantity of land usually held by each small proprietor is about two hectares, and it is very frequently intersected by other properties.

2. Property in Biscay is divided into two classes—urban property and rural property. Descents and divisions of property in the first class are regulated by the general law of Spain; in the second class by "Fuero" of Biscay. The latter gives the proprietor the free disposal of his property to any one or more of his children, a life interest in one-half of the property being reserved to the widow. This system, like all those dependent on custom and tradition, is subject to considerable complications in the event of the death of either husband or wife without issue.

3. By a notarial act duly attested by two witnesses, and registered in the archives of Notarial Acts. The cost varies, according to the nature and value of the property, from about 15*s.* upwards, but at the most is trifling.

4. There are no such facilities up to the present time, but the subject is under the consideration of the Spanish Legislature.

5. Not generally. The usual rate of interest in such cases is 4 and 5 per cent.

6. Mortgages are registered in mortgage books in every judicial district. The cost of registry is regulated by the general law of Spain.

7. Wheat, barley, maize, and general vegetable produce. Corn is sown late in the autumn, and reaped the latter end of June and July. After corn, turnips. Maize is sown in April and gathered in September, and then corn sown in November. Beans are sown between the rows of maize. Tillage is performed by means of a very antique plough and two pronged forks called "layas," which latter instrument does excellent work, but the operation is slow and laborious. There are no grass lands, but the mountains afford tolerable pasture, and most farms have a portion of mountain pasture attached to them. In addition each parish has a common right over a certain portion of the mountain districts. These are, however, being gradually reduced under the general law for sale of municipal lands, &c.

8. The employment of machinery, even of the simplest description, in agriculture, is unknown, all the implements used being of a very primitive kind. The small proprietors are working men, but most of them employ one or more hired labourers at certain seasons of the year. The present rate of wages may be said to be 8 reales, about 1*s.* 8*d.* a day; but very frequently they receive only 4 reales, about 10*d.* a day, taking their meals with the family. Female labour is largely employed; all the females of the family work in the field at times. Hired females are also occasionally employed, at about 10*d.* to 1*s.* per day. Sometimes hired labourers are engaged as domestics; these are generally young lads, who are boarded, and paid about 3*l.* a year in addition.

9. Emigration to South America, chiefly to Buenos Ayres and Monte Video, has been gradually increasing during the last fifteen years, till it has now reached to such an extent as to engage the attention of the Local Government, which, however, has hitherto been unable to restrain this constant drain on the population. The only cause that can be assigned is the force of example and the temptation held out by instances of a few fortunate emigrants; for it cannot be said that the agricultural population is badly off, and pauperism is almost unknown throughout the province.

10. On their properties.

11. They are well housed in large, strong, stone buildings, but with no comfort and scarcely decency. The old system prevails of having the stable for oxen and pigs on the ground floor, and the sleeping habitations above—dirt, discomfort, and fever being the necessary consequences. The food is the "puchero"—a thick vegetable soup, principally composed of cabbages and beans, with a few scraps of meat, dried codfish or lard occasionally added; Indian corn cakes, and a moderate quantity of the coarsest wheat bread. The beverage was formerly the thin wine ("chacoli") of the country, but this has been a good deal displaced of late years by the introduction of the common wines of Rioja, Navarra, and Arragon. Under clothing is generally spun at home. The men wear strong Spanish cloth, the women cheap foreign cotton and flannel dresses.

The small proprietors as a class are a thrifty, thriving set, and generally have a small stock of money put by; their standard of living may be said to be low, and their circumstances good.

12. No statistics to show this, but it is certain that there is no increase in the population of the rural districts, and very little in the towns.

13. It may be said that, with the exception of a few educated and intelligent individuals who have given attention to the question, there is no public opinion whatever on the subject.

(B.)—Tenants and Sub-Tenants under Landlords.

Tenure.

1. About two hectares of arable land to each individual.

2. There is no fixed period of tenure. Generally speaking the farms pass from father to son, and these hereditary servants are very seldom disturbed in their tenures. It has been stated above that sub-tenancies are unknown.

3. Tenancies up to the present time have almost invariably been by parol, but considerable efforts are now being made to introduce written agreements. The law in the matter of duration of a tenancy is that the tenant can remain as long as he pays his rent.

4. In case of written agreements, they must be drawn by a public notary, and registered in the archives of Public Notarial Acts.

5. This is answered in No. 3; but as there is nothing to prevent a landlord raising the rent, where there is no stipulated agreement to the contrary the law is ineffectual to protect the tenant if the landlord determines to evict him.

6. None at all.

Rent.

1. Generally by a money payment. There are, however, cases in which the tenant and the landlord share and share alike the annual produce, and others in which the rent is paid partly in money and partly in kind.

2. The amount of rent depends wholly on the will of the landlord. About 3 to 3½ per cent. interest on the value of the property is fixed for the rent. Rent is payable on the 21st of December. There is no hanging gale.

3. Yes.

4. The legal mode of recovering rent, or enforcing any other claims on a tenant, is by a summons before the Judge of Peace, who gives judgment in the case. If the parties do not agree to his decision the case is carried before the Judge of First Instance, from whose decision again there is appeal to the Superior Courts. In failure of payment of rent the landlord has also the right to seize all the goods, produce, and cattle belonging to the tenant that may be on the property.

Evictions.

1. Eviction is effected by notice being served upon the tenant before the 24th of June, and the tenant has then the right to remain until the 11th of November in the following year, during which time he is allowed to redeem. The tenant, however, must be summoned before the Judge, who decides whether the eviction can be justly effected.

2. Evictions are very unusual, and the almost invariable cause is neglect in working the farm. A steady, hardworking man, has no difficulty in paying the rent.

Improvements.

1. Very small improvements are made. The farms descend from father to son almost unchanged. When they are made, those affecting buildings are done by the landlord, those touching the land, planting trees, &c., by the tenant.

2. No security.

3. The law recognizes the tenant's claim for improvements, unless a tenancy by agreement contains a stipulation to the contrary, which sometimes is the case.

4. When the tenant claims for improvements, the Judge appoints surveyors to estimate the value of the improvements, and decides the claim.

5. None whatever.

Miscellaneous.

1. Certainly; the relations of landlord and tenant are almost invariably of a most friendly character.

2. Precisely the same as the small proprietors. There is no difference, in fact, whatever between the two classes.

3. No difference between the classes.

4. See previous answer regarding Emigration among small proprietors.

5. These questions are never discussed. There is no such thing as public opinion, but existing systems are always considered sufficiently good in Spain.

6. Never that I am aware of as regards this province.

7. No such limitation.

8. There is none.

9. The sale of the lands belonging to municipalities, convents, religious establishments, &c., has applied equally to this province as the rest of Spain. No other steps in the direction referred to in this question have been taken by Government.

10. None whatever. Tenants very seldom become proprietors of their holdings. They have no chance, for proprietors seldom sell their properties.

11. The "Fueros" of Biscay, before mentioned, no doubt could favour the dispersion of property, but practically it does not, as the bulk of the landed property is generally made to descend to one of the children.

Copyhold.

There are no tenures resembling copyholds.

(Signed) HORACE YOUNG, *Consul.*

Bilbao, October 20, 1869.

Inclosure 8 in No. 3.

Report respecting the Tenure of Land in the Provinces of Malaga, Granada, Almeria, and Jaën.

Name of Country.—Consular District of Grenada, comprising the four Provinces of Malaga, Grenada, Almeria, and Jaën.

	Population.
Province of Malaga	446,659
„ Granada	441,404
„ Almeria	315,450
„ Jaën	362,466
Total Population of Consular District	1,565,979

Religion.—Roman Catholic.

Industrial Pursuits.—Chiefly agricultural and mining.

LAND OCCUPATION.

Land is occupied—

By large proprietors;

By small proprietors;

By tenants under proprietors;

Very rarely by sub-tenants.

It is difficult to assign the proportions in which these several systems exist, still it may be asserted that:—

Vineyards and olive plantations are generally cultivated by the proprietors, whether large or small;

Orchards and irrigated lands are cultivated by proprietors, if small, and are let out to tenants if the estate be of any considerable extent; in the latter case it is usual to let out the property in small lots to several tenants.

Arable lands without irrigation are, perhaps, occupied by tenants in greater proportion than by owners;

Pasture lands are scarce in this district;

Oak forests are invariably let out by proprietors to pig-breeders for the use of the acorn.

(A.)—Small Proprietors.

1. The quantity of land usually held by each small proprietor varies in its minimum according to the class of cultivation; in orchards and irrigated lands there are proprietors who hold as little as $\frac{1}{12}$th of a fanega, or $\frac{1}{8}$th of an English acre; in vineyards, the minimum of a property is seldom under 2 fanegas, or three acres; in arable lands we rarely see a property or holding of less than 10 fanegas, or 15 acres. As to the maximum, and even as to the average, it is absolutely impossible to fix any figure.

Small proprietors hold their lands usually together; and if by inheritance, or through some other cause, they acquire land intersected by other properties, they generally endeavour by barter or purchase to bring their property within the same boundary.

2. The law regulating the descent and division of landed property on death of owner is, in Spain (with the exception of Catalonia), the same as that which governs the descent and distribution of any other property.

By will the testator, if he has legitimate descendants, can only dispose in favour of strangers (and even of the surviving consort) of one-fifth part of his fortune; the remaining four-fifths must be applied to the descendants, although the testator can, if he choose, assign as much as one-third of this portion to one or more of his descendants, to the exclusion of the others. One of the children of the testator being dead, but leaving children, these come in to the succession of the grandfather or grandmother *per stirpem*, representing all of them the share of their deceased father or mother. If the testator has no descendants, and leaves ascendants, father, mother, or grandfather, &c., he is allowed to dispose of one-third of his fortune in favour of strangers, among which is considered the surviving consort; the remaining two-thirds must be left to the nearest ascendants, and if there are several of these of the same degree they divide in equal shares. If the testator has neither descendants nor ascendants, he can dispose freely of the whole of his fortune; but the surviving consort, if poor, is entitled to the life interest of one-fourth of the fortune of the deceased.

In cases of intestacy, the whole succession falls to the descendants in equal shares, without distinction of age or sex, the grandchildren representing their deceased parents *per stirpem*. In default of descendants, the inheritance passes to the ascendants of the nearest degree, viz., to the father and mother, or to either of them that may be living; if the father and mother should be dead, then to the grandfathers and grandmothers, and if there exist several of them, to all existing in equal shares; failing descendants and ascendants, the heirs-at-law are the brothers and sisters, and if any of these should have died leaving children, the latter come in for their uncle's inheritance *per stirpem*, in representation of their father or mother; in default of brothers and sisters, the succession falls to the nephews and nieces in equal shares, *per capita*. Should there be no nephews or nieces, then natural children, the surviving consort, more distant relations, as far as the tenth civil degree, and, lastly, the Public Treasury, are called to the succession of persons dying intestate.

As to the division of a succession between the heirs, whether under a will or an intestacy, nothing has been prescribed by law, each is to have the share that belongs to him; what goods are to constitute each share is left to be settled amongst the parties themselves, and it is only in cases where there is something that all desire or that all reject that is usual to divide that particular object proportionally amongst all. On this principle it is frequent to see in a succession, where there is landed property and other effects besides of a personal description, that the land is allotted in its entirety to one of the heirs, and the others receive money or other goods in compensation.

3. The legal method practised throughout Spain for the transfer of all real estate, whether lands, houses, or mines, is by the execution of a public deed, and the subsequent inscription thereof in the Registry Office of the district where the transferred property is situate.

In cases of transfer by contract, viz., by sale, barter, donation, &c., the conveyance is effected by means of a public notarial deed, wherein both the transferer and the transferee concurrently consign the contract with all the clauses and conditions of the same. No particular form or words are required, as long as the will of the contracting parties is clearly expressed; but the deed must contain the names and surnames of the contractors, their age, domicile, occupation, or trade, and whether they are married or not. It is also necessary to specify in the deed the extent and boundaries of the property transferred, the name of the locality where it is situated, and such further descriptive particulars as may serve for its due identification. The transferer must

furthermore declare the title by which he acquired the property, citing the date of the deed and the folio of the register wherein the same was inscribed. Finally, all mortgages or other incumbrances charged on the property must also be specifically declared in the deed. The original Act itself remains in the archive of the Notary, and is bound in the corresponding book wherein all such deeds are preserved and remembered in the order of their dates. The Notary must render to the Superior Court of the district a monthly return of the deeds executed and archived in his office. The parties are furnished with a true and literal copy of the deed, wherein the Notary certifies that the original has been executed in his presence. This copy is presented to the Registrar of the Judicial Circuit ("Partido Judicial"). In the register every property has a special folio, wherein the full particulars of every transfer are inscribed on presentation of the deeds. This performed, the Registrar certifies at the foot of the notarial copy exhibited to him that the inscription has taken place, citing the date and folio, and he gives it back to the acquirer as a title for his property. Should this document be lost, the proprietor can always with facility obtain another authentic copy from the Notary's archive, and a true copy of the inscription that has been made of the transfer in the Registry Office, which will be quite as valid as the original ones.

If the transfer be effected under a testamentary disposition, or in any other way, *mortis causâ*, a public deed is made in the same form as in the cases of transfer by contract, where there is a division effected by agreement amongst heirs all of age, viz., of more than 25 years. Should the division be terminated by the sentence of a Court, either on account of the minority of the heirs or of the want of agreement amongst them, the sentence must then contain the same particulars of the description of the property, &c., as are required for the deeds of contract, and after having been archived in a Notary's office, copies of the same are delivered to the parties in an authentic form to be presented to the registry for inscription. Where there is no division at all, because only one heir is called to the succession, the party or his guardian makes a specification of the property that constitutes the estate, designating all the circumstances of each property, and this, with a true copy of the will, or of the sentence given in favour of the sole heir, is exhibited to the registry for inscription.

The principles of Spanish legislation on the transfer of real estate may be epitomised as follows:—The transfer itself is effected by a deed before a Notary in any part of Spain, or even in a foreign country when the parties are residing abroad. This deed is from the first moment binding upon the parties themselves who have appeared in it; but it must be inscribed afterwards in the registry of the district where the property lies, and until this inscription takes place, the transfer has no operation with regard to the third persons that were not parties to the deed. Therefore, if a man should fraudulently twice sell his property, and the second purchaser should present his deed on the registry before the first, his acquisition would be the valid one (unless it should be proved that he was cognizant of the prior act).

The cost of a deed of transfer or conveyance is generally the Notary's fees and the stamp paper, which together amount, on an average, to 1½ per cent. of the price of sale. To these expenses are often superadded the fees on inspection of title deeds, which is usually performed by an advocate, and is paid for according to the importance and difficulty of the case. Sometimes also brokers are employed, and then their charge is from 2 to 3 per cent. on the purchase money.

The cost of registration is, in the first place, a Government transfer duty of 3 per cent. on the price in cases of sale or barter; 10 per cent. in cases of donation *inter vivos*; and from 1 to 10 per cent. on successions, according to the nearer or remoter degree of relationship between the deceased proprietors and the heirs; inheritance from ascendant to descendant is free of duty, and on a legacy to very distant relations, or to mere friends, being strangers in blood, the duty is 10 per cent. The Registrar's fee varies according to the length of the deed inscribed, but it never exceeds 3 per mil on the price or value of the property.

4. There are no special facilities afforded for raising loans upon landed property in Spain. Government has not the means of providing such facilities, and as to Public Companies or Banks, though some have been established with that apparent object, they have never succeeded in obtaining credit to raise the necessary funds, and all of them have failed before extending their operations to any important figure.

5. Landed property is very often heavily mortgaged, chiefly when held by small proprietors.

The rate of interest for mortgages on lands is seldom less than 10 per cent. per annum, and in many villages it runs as high as 24 per cent.

This high rate of interest is chiefly attributable to the vicious system of protection

afforded by the law to the debtors, which makes loans on mortgage a very dangerous speculation.

6. The legal method of mortgaging is very much the same as that which has been described for transfers. A public deed executed before a notary, whereby the debtor or mortgager blnds himself to pay, stating the date of payment, rate of interest agreed upon, &c., and expressly designating the property he mortgages, with ample description and particulars of the same, so that it can be easily distinguished from any other; he must likewise state the title under which he holds the property, citing the folio of the register wherein his title has been inscribed. The deed remains in the archive of the notary, an authentic copy is delivered to the creditor or mortgagee, who exhibits it in the registry of the district where the property lies, and the Registrar makes the inscription and gives back the copy of the deed to the creditor, with a note appended thereto expressing the date of the inscription and the folio where the entry is recorded. The and fees have been already indicated.

The priority with respect to several mortgages contracted upon one property is determined by the date of presentation of each deed to the registry.

7. The crops raised in the south of Spain are principally olive oil, grapes, wine, raisins, almonds, and figs, wheat, barley, and Indian corn; on the coast there are besides, sugar-canes, oranges, and lemons.

In lands where there is no irrigation, properties (above all, extensive estates) are divided into three lots; one of them is sown with wheat, barley, or beans, the other is ploughed and fallowed for the next year, and the third is allowed to remain uncultivated one year for pasture.

In irrigated lands, the soil gives two crops every year; the first, of wheat or beans, in June, and the second, of Indian corn, in October.

The mode of cultivation is generally by ploughing. In vineyards and olive plantations the soil is also dug round the plants.

There is very often no stock at all on small properties; when there is any it is fed with what little herbs or corn the property can give; for, as before stated, grass lands are very rare in this part of Spain. Some villages, however, possess commons ("dehesas de propios") where the inhabitants can send their stock to graze.

8. Machinery is very rarely employed in the south of Spain for agricultural purposes.

Hired labourers constitute the great mass of the country population.

Female labour is hardly at all employed in the cultivation of land.

The daily wages of the agricultural labourer vary according to the localities and the seasons of the year. The lowest rate of daily wages, without food, is 4 reals, or 10*d.*; the highest, without food, is from 8 to 10 reals, or 1*s.* 8*d.* to 2*s.* 1*d.* Some particular kinds of labour that require special knowledge or skill are, of course, paid at higher rates.

There is no great difference between labourers who live with their employers and those who do not. The first are fed by the master, but the wages are lower in proportion to the cost of victualling them.

9. In the Andalusian province agricultural labourers never emigrate. The only exception was found in the province of Almeria in years of great drought and consequent sterility of the soil; but, as the mines now employ a great number of hands, emigration is scarcely ever resorted to.

10. Many small proprietors live on their properties, but the number of those who live in adjacent villages is far greater.

11. The Spanish peasantry are generally poorly housed, fed, and clad; and even those amongst them who are in a position to enjoy some comfort appear not to care much for it.

12. The following Tabular Statement contains all the information that I have been able to collect upon this and other similar statistical queries proposed in connection with land tenure in Spain.

I may add, however, that the population of this province, both urban and rural, is rapidly increasing.

STATEMENT showing the Population, the Superficial Area, and Distribution of Cultivated and Uncultivated or Waste Lands, the Stock, and the Number of Tenants, Agricultural Labourers, &c., in the Four Provinces of Malaga, Granada, Almeria, and Jaën, which constitute the District of this Consulate. (Compiled from Official Statistics published by the Spanish Government.)

Provinces.	Population.	No. of Landed Properties.	No. of Tenants.	No. of Agricultural Labourers.	Lands.								Stock of all kinds.
					Cultivated.					Uncultivated.	General Total Superficial Area.	Percentage of Cultivated Land.	
					Arable and Pasture.	Vineyard.	Olive Plantations.	Mountain, Woods, &c	Total Cultivated.	Total Uncultivated.			
					Acres.	Acres.	Acres.	Acres.	Acres.	Acres.	Acres.	Rate.	Heads.
Malaga	446,659	49,400	14,547	54,522	886,354	127,466	78,053	148,342	1,240,215	566,555	1,806,770	68·64	438,878
Granada	441,404	56,171	24,102	47,314	1,007,908	57,839	23,149	89,820	1,178,716	1,980,641	3,159,357	37·87	659,751
Almeria	315,450	44,858	7,365	16,307	376,698	13,538	5,360	30,797	426,393	1,686,738	2,113,131	19·49	438,357
Jaën	362,466	40,769	12,569	76,359	1,320,886	29,515	214,629	478,473	2,043,503	1,273,630	3,317,133	64·78	549,961
Consular District .	[illegible],979	191,198	58,583	194,502	3,591,846	228,358	321,191	747,432	4,888,827	5,507,564	10,396,391	..	2,086,947
All Spain ..	15,673,536	2,433,301	595,635	2,354,110	..	..	..	..	65,576,466	55,326,206	120,902,672	54·24	36,622,313

13. The prevalent public opinion is—

Respecting transfers of property—that complete freedom of contract is a great advantage, but that the expenses of transfer, and especially the Government duty of 3 per cent. ought to be diminished in order to facilitate the traffic in that branch of human wealth.

Respecting the law regulating the descent and division of land, the system is generally approved by all classes of society.

Touching mortgages, the complete liberty of transactions and the abolition of all legal restrictions on rates of interest, are considered as great advantages. The system of mortgages, as it is established by a recent law ("Ley hipotecaria") is, on the whole well received by the public, notwithstanding several points that may be objected to, and which will probably be submitted for amendment.

The system of legal procedure against debtors before Courts of Justice is the great drawback to the territorial credit. The danger of lending money, even upon mortgage, is so great on that account that proprietors can seldom obtain the funds they require for their farming operations, notwithstanding their offers to pay an enormous rate of interest. In many places money is only to be had upon a sale "á retro," or "à remorè" of the property, and the transfer duty is an additional expense which always falls upon the proprietor who raises the cash.

With regard to the mode of cultivation everyone is convinced thet Spanish agriculture is far behind that of all other nations in every respect. None of the scientific discoveries and inventions of modern civilization have been applied here, and certainly a vast amount of improvement could be effected by their introduction.

The lamentable state of prostration which overwhelms the Spanish agriculturists is owing to the want of capital, resources, or credit, and the latter misfortune is mainly attributable to two causes: 1st., personal insecurity in the country, where cases of abduction and holding for ransom by banditti are still frequent; and 2nd, the great risk of losing any money that is lent, even upon mortgage, on account of the vicious system of procedure for recovery in the Courts of Justice.

(B.)—Tenants and Sub-Tenants under Landlords.

Tenure.

1. The quantity of land usually held by each tenant varies according to the class of the land itself. Irrigated lands, and those which lie around the villages, are generally let out in small lots, down to as little as $\frac{1}{12}$th of a "fanega," or $\frac{1}{8}$th of an acre; the average in these classes may be stated to be from 1 to 2 "fanegas," or $1\frac{1}{2}$ to 3 acres. Arable lands are rented out in larger holdings, seldom less than 8 or 10 "fanegas," or 12 to 15 acres, and very often extensive farms are let to one single tenant.

2. The tenure of land in Spain is a contract left in all its clauses to the free will of the contracting parties; whatever they agree to must be observed, and the law governs such cases only as have not been foreseen or provided for in the contract.

The duration of tenure is according to circumstances; it may be said that it is never less than for one year, and it very seldom exceeds twelve or fifteen, although the law does not establish any limit as to time. Some tenures are contracted for the life of the tenant, and even of his children, others for the life of the landlord.

Sub-tenancies are not assignable by the tenant unless that faculty has been expressly conceded to him in the contract, or the landlord should give his consent to the assignment.

3. Tenancy is created in Spain, like any other contract, either by parol or written agreement.

When the land allotted to a tenant is of minor consideration or extent, the contract is almost always by parol. But in tenancies of some importance the parties make a written agreement and even a deed before a notary; the latter instrument, it should be stated, is required by law whenever the duration of the tenancy is to be for more than six years.

When there is no agreement, the duration of the tenancy is left to the will of the parties; but then the tenant cannot quit, nor the landlord evict, without giving previous notice respectively at or before the commencement of the agricultural year in which the tenancy is to terminate.

4. A written agreement of tenancy can be registered, if it is made by public deed

before a notary, and it is therein covenanted that the landlord mortgages the land to secure the fulfilment of the agreement.

In cases where the rent of three or more years is paid in advance, or where the tenancy is contracted for a term of more than six years, the registration becomes a legal requirement.

The nature, purpose, and effect of the registration of a deed of tenancy is to make it binding, not only upon the landlord who subscribed it, and upon his heirs and assigns, but likewise upon any third person that may acquire the land during the tenancy; because, as a consequence of the registration, nobody can purchase the land without knowing that it is held on lease, and subject to the fulfilment of certain stipulations.

5. There is no law or custom in Spain whereunder a tenant is considered as having a right to remain in occupation so long as he punctually pays the rent. The principle of complete freedom in transactions which has been the legal system of Spain for many years, authorizes the landlord, as free owner of his property, to dismiss the tenant as soon as the stipulated term of location is over, and without assigning any reason for so doing, in the same manner as the tenant is free to quit the land if he does not choose to continue his occupation of it after the stipulated time.

6. The law forbids sub-tenancies, except in case where the faculty of sub-letting is given to the tenant under his contract, or where the landlord agrees to the sub-tenancy. A sale made by a tenant of his right in the farm cannot be effected without creating a sub-tenancy, and, as such, it would not be valid without the landlord's express consent.

Rent.

1. The rent is usually stipulated in money; but it is frequently made payable in produce or kind, such as corn, oil, &c.

In many cases the land is given by the owner for a number of years, without payment of rent, or at a very low rate, but with the condition that the tenant shall plant and cultivate in it a certain number of vines, olive trees, &c., or build a house on the property, or establish certain defences against the encroachments of a river, &c.

It is still more frequent for the landlord to let out an allotment of land, not for a fixed rent, but in co-partnership with the tenant, who engages to defray all the expenses of cultivation, &c., and to give to the owner the share of the produce that may be agreed upon. This description of contract is generally made only for one year.

2. The rent of land is solely regulated by the free will and consent of the contracting parties.

In most instances the rent is stipulated to be paid yearly.

3. The landlord has an unlimited power of raising the rent, of course upon expiry of the term of agreement.

In case of non-payment of rent, or breach of covenant, he has the right of eviction, even before the expiration of the lease.

4. The claims of landlords against tenants, or of tenants against landlords, for the fulfilment of contracts of tenancy, are common actions at law, triable before the Civil Courts in first instance, and before the Courts of Appeal in second instance. If the tenant acknowledges his debt, then an execution can be brought against him for recovery of the rent.

Evictions.

Eviction is a special procedure.

The landlord has a legal lien upon all movable property of the tenant that is found on the land for recovery of the rent.

1. The landlord who proposes to evict a tenant sues him before the judge of the district, setting forth the reason on which he founds the eviction. The judge calls both parties before him, and decides the case, after hearing their allegations and receiving their proofs.

The tenant can resist the eviction only by defeating the landlord's action, and showing the falsity of the alleged causes of eviction. Such causes must be the expiration of the contract or agreement of tenancy, the non-payment of the rent, or a breach of covenant. In cases where there has been no previous stipulation as to the duration of the tenancy, the term is considered to expire at the end of the agricultural year for which notice to quit has been given.

The tenant can appeal against the decision of the Primary Judge; but the appeal is not admitted unless he first shows that he has paid the rent.

Once the sentence of eviction is given against the tenant, fifteen days are allowed him to quit the premises; and, if he should fail to comply, the judge ejects him summarily, by main force.

2. Evictions are frequent enough; but they are resorted to in greater number against tenants of urban buildings.

The causes of evictions against tenants of land are mostly for non-payment of rent.

Improvements.

1. Improvements are made chiefly by landlords, sometimes by tenants; buildings especially are executed almost always by landlords.

2, 3, 4. When a tenant improves his holding in the form of breaking the land, ploughing, sowing, manuring, and the like, he is entitled by law to reap the benefit of those improvements, or to recover their amount on valuation.

Other improvements, such as plantations of trees, building of houses or offices, draining, &c., remain the property of the landlord, who is not obliged to pay their value; but the tenant is allowed to retire or to destroy such improvements before he quits his holding.

The common practice is, however, to stipulate in the contract of tenancy what improvements are to be executed, and how they are to be defrayed; if this clause has been omitted, the tenant never makes any important improvements without having a previous understanding on the matter with the landlord.

5. Tenants, as already stated, have no particular means of raising loans for improvement of their holdings. If they raise any, it will be a mere private or personal debt of such tenant, without any lien whatever on the holding.

Miscellaneous.

1. Relations between landlord and tenant are generally friendly, as between parties who contract an agreement, with perfect freedom on both sides.

2. Tenants, as a general rule, cultivate with less care than proprietors. They employ hired labourers, and in other respects they act very much the same as the proprietors themselves.

Tenants of small holdings are generally poor, and subsist with privation of all comfort. Most of them consume Indian corn bread, and they very seldom eat meat. Insolvency is very frequent amongst them; and when the crop is bad, the landlord very often has no means of recovering his rent.

Tenants of extensive farms are generally wealthy people.

3. It does not appear that there has been any important increase or diminution of the general proportion between tenants and small proprietors in this district.

4. They do not emigrate.

5. Public opinion is favourable to the existing system of complete freedom of contract between landlord and tenant, and to the facility of evicting tenants chiefly for non-payment of rent.

6, 7, 8. The full and unlimited freedom of proprietary rights being the leading principle of Spanish legislation, the compulsory issue of leases, or other encroachments on the landlord's rights, are utterly unknown here, and never could be enforced by the law.

9. Government has taken no steps for increasing the number of owners or freeholders, except by the sale of lands belonging to the clergy or to other public corporations, and the suppression of all entails ("mayorazgos;") but once these lands become the property of private individuals, they are regulated by exactly the same laws as the rest of the property in the country.

10. Tenants receive no assistance from any quarter in their endeavours to become proprietors of holdings. Such endeavours are not very frequent, especially amongst small tenants, as these are commonly very poor.

11. The laws which leave complete freedom to the owners in the exercise of their proprietary rights do not tend to influence either the accumulation or the dispersion of land. This matter is left altogether to private interests. Where the accumulation of land is desirable, experience shows that large estates, if divided, soon become reunited under a sole proprietor; and where the mode of culture requires dispersion, the land is always held by small proprietors.

Copyhold.

In Spain there is no other sort of property in land but freehold. Many lands were granted in ancient times under "emphyteusis," but these are equally freehold, subject only to the payment of a small annual rent to the emphyteutical or manorial lord. The owner of such property cannot sell it without first offering it to the lord at the same price; and if the latter does not choose to buy it, then he is entitled to receive a heriot of 2 per cent. on the net price of the sale.

(Signed) WM. PENROSE MARK, *Consul.*

Malaga, November, 1869.

Inclosure 9 in No. 3.

Report respecting the Tenure of Land in the Province of Ilicante.

By the last census published the population of the whole kingdom in 1860 was 15,638,569, and that of the province of Alicante 390,565. The religion is almost entirely Roman Catholic, though by the Constitution of the 6th June last the public or private exercise of any other is guaranteed to foreigners or to any Spaniard who may desire it. Industrial pursuits in this province are chiefly agricultural, with the exception of the city of Alcoz, where considerable manufactories of woollen and cotton goods and of paper exist.

LAND OCCUPATION.

The system of land occupation is mixed, and it is very difficult to form a correct estimate; though, after 24 years' residence, I may venture the opinion that one-third of the lands are occupied by small proprietors, and two-thirds by tenants holding under proprietors. No instance of sub-tenants under intermediate tenants has ever come to my knowledge.

(A.)—SMALL PROPRIETORS.

1. The quantity of land held by each small proprietor may vary from 6 to 60 acres, and in the former case only when the land can be irrigated, for such is the want of rain in this province that a family can only subsist on a small property capable of irrigation. It is usually held together.

2. On the death of the owner the land by law is equally divided among his children, as he can only dispose by will of a fifth and a third in bettering any of them.

3. The legal method used for the sale of such properties is by deed of conveyance before a scrivener or notary, whose fee by tariff is 2*s.* 9*d.* for each folio or two pages of his protocol, and 7*d.* for each folio of the copy delivered, besides the stamps imposed by Government according to the price of the land. This land must be noted in the Register Office of the district, and the fee is reasonable; but the Government exacts a contribution of 3 per cent. on the price.

4. There is no special facility for raising loans upon such properties; and one or two banking companies formed under that pretext within the last few years have signally failed.

5. Mortgages are no doubt frequent, especially in years of drought, and the usual rate of interest is 8 to 10 per cent. Money is only lent to within a third of the value of the land.

6. The legal method of registering these mortgages is precisely the same as in the sale, and the cost equal, with exception of the contribution of 3 per cent.

7. The crops raised are all kinds of grain. Where manure is scarce one-half of the land is usually sown, the other half being ploughed three or four times for the following year's sowing. The other products are olives, the locust or carobe, almonds, raisins, wine, &c. In small properties no stock can be raised, and the owners of flocks have to rent pasturage on the hills and waste lands.

8. Machining is only within the last few years introduced by a few private individuals. The greater part of labour is hired, and a farm of 60 acres will require 2 mules, with the farmer himself and three hired labourers, for two-thirds of the year. Their daily wages range from 5 to 6 rials (1*s.* to 1*s.* 3*d.*) for light work, and 8 to

10 rials for spade work. Women who are often employed in weeding earn from 2 to 3 rials.

9. In years of drought like the present the immigration to Africa is considerable, many of whom return when the weather improves.

10. It may be calculated that about one-half of the proprietors live on their properties, and the other half in the adjacent villages.

11. They live generally in tolerably comfortable houses, and their clothing in this climate is light, being simply a linen shirt and the wide short trowsers of their Moorish ancestors. Their food consists of a pottage of rice, beans, and oil, with barley or maize bread, and occasionally a little codfish or sardine, but butcher meat is very seldom enjoyed.

12. The prevalent public opinion is favourable as to the advantages of the land being more sub-divided than in Andalucia, where in the actual unsettled state of the country the doctrine of Socialism is gaining ground among the numerous labouring classes.

(B.)—Tenants and Sub-Tenants under Landlords.

Tenure.

1. The quantity of land held by each tenant varies from 6 to 300 acres and upwards.

2. The tenure is commonly by a lease extended by a public Scrivener or Notary for six, and sometimes for four years, though in cases of small value a written document signed before witnesses is held valid. In cases, however, where the tenant mortgages other private property for due fulfillment of the lease, it must be executed by a Scrivener, and the fees are the same as in deeds of sale.

Sub-tenancies, as I have already said, are unknown.

3. Where no written lease exists, the previous one is held to be prorogued, but if none had ever been executed, the verbal agreement duly proved is valid, for some arrangement must have been formed between the owner and tenant. Where absolutely no precedents are available, the owner, by virtue of his right of property, can take possession, removing the tenant, who will have to pay any damage he may have caused, and at the same time be reimbursed for any extra labour and manure he may have employed. It is also customary to reimburse an outgoing tenant one-quarter for every fruit, olive, or carobe tree he may have planted beyond the number he received, provided they are three years old and cross-branched.

4. Written lease agreements are only registered when the term is beyond six years, or when landed property is mortgaged for due fulfillment.

5. There is no law or custom of a tenant having a right to remain in occupation so long as he punctually pays his rent, or one to be determined from time to time by some legal tribunal, or by agreement subject to arbitration.

6. No tenant is considered as having a right to sell his interest in his farm without the consent of his landlord.

Rent.

1. Payment is in general made by a fixed rent in money, though in some districts it is still made in kind. In rich lands it is as high as half and half the grain produced, and in inferior lands the tenant pays two in seven. Wine, oil, almonds, &c., are equally divided, the expenses of collection being defrayed by the tenant.

2. Rents are regulated by agreement, in which competition will naturally enter, and they are generally payable half-yearly, on 15th August, and 31st December.

3. Landlords have an unlimited power of raising the rents on expiration of the lease, and of eviction in case of non-payment of rent or breach of covenant.

4. The legal means or procedure by which the respective rights of proprietors and tenants are enforced is by application to the Judge of First Instance. The landlord can seize the produce for arrears in preference, but not the mules, horses, ploughs, or carts.

Evictions.

1. The legal means of procedure when a tenant fails to perform his part of the contract, is to cite him before the Judge of the district, who, on hearing parties and proofs, decides.

2. Such evictions are very seldom carried into effect.

Improvements.

1. None are executed (especially buildings) by the tenant, unless with the express sanction of the landlord.

2. When the state of a building is such as to render it injurious or dangerous for the tenant, he can apply to the Judge and force the owner to make the necessary repairs.

3. The landlord upon resuming possession has a legal right to the improvements made upon the farm by the tenant, who is reimbursed for the olive and fruit trees he may have planted, according to the terms of the lease, and if none exist the law and custom allow one-quarter for each of three years standing.

4. When parties do not agree the Judge appoints a surveyor to report.

5. There are no special public companies or banks for raising loans on lands; but, since the reign of Philip II there has existed in almost every town in Spain a deposit or fund called "Positos," the object of which was to assist the farmers with grain and money in calamitous years, and with seed when required. These "Positos" were originally formed by pious donations and subscriptions among the inhabitants, and were unquestionably of great public benefit, but during the present century they have gradually decreased in importance, and, though still in existence in most of the towns, their utility is disputed, and agricultural banks like those in Germany are urgently called for.

Miscellaneous.

1. The relations between landlord and tenant are generally friendly.

2. The mode of cultivation by these tenants, and equally by small proprietors, is by ploughing the land with a pair of mules or horses, and where irrigation is possible by spade work.

3. It is impossible to ascertain the comparative annual rate of increase in the population among these classes.

4. These tenants and their children seldom emigrate, the labouring class being that which is less able to exist in bad years, and the chief and almost only cause of emigration being the want of rain, which in this province is proverbial.

5. Public opinion is silent as to the advantages or disadvantages of the above system.

6. The creation of freeholds is unknown in this country.

7. The laws in force naturally tend to the dispersion of land, it being equally divided among his children on the death of the owner.

Copyhold.

"I am not aware of any tenures in this country resembling the copyholds of England, in which the rent or services have become fixed by custom, and the tenant irremovable. In feudal times tenants were usually bound to furnish the owner with a certain number of fowls, &c., each year, which custom, though no longer obligatory, is still in many cases followed, to the great annoyance of the proprietors, who are expected to make some return, generally of more value.

(Signed) BENJN. BARRIE.

Alicante, September 11, 1869.

Inclosure 10 in No. 3.

Report respecting the Tenure of Land in the District of Valencia.

Country.—Valencia, Spain.

Population.—Last Census 1860, 617,977; of which 505,497 could not read; 86,846 could read and write; 25,634 could read but not write.

Religion.—Roman Catholic.

Industrial Pursuits.—Agriculture, and to a small extent silk and woollen manufactures.

LAND OCCUPATION.

The system is chiefly that of small proprietors that rent the land to farmers, with the prohibition of sub-letting without the proprietor's consent.

Few small proprietors cultivate their own lands, except those in the country towns. When sub-letting is allowed, the original tenant or renter is the responsible party to the owner.

Land is much sub-divided into small properties.

(A.)—Small Proprietors.

1. The usual quantity of land held by each averages 20 hanegadas, equal to about four acres, 600 square yards; and it is much intersected by other properties.

2. The law regulating descent and division is, that on the death of an owner it obliges an equal division of the property among the children, unless the deceased has willed otherwise; but said wills are limited to allowing only the disposal of the third and fifth parts, and obliges an equal division of the remaining parts, including those who have shared the third and fifth parts. The property of an owner dying without offspring passes by law to his father and mother; and if said parents are not living, he is at liberty to will it to other relations or to strangers: if no will has been made it passes to the next of kin. When the surviving parent marries a second time, the property must be delivered to the children of the first marriage when they become of age; and the children of the second marriage have no right to partake of said property. The wife or widow can only partake of half of the increase of the property and capital that has taken place since the day of her marriage.

3. The legal method of sale and transfer, is by a deed drawn up before a Notary, and registered in the Government Department of Registry of Property. Relative cost 160 hanegadas equal to 33*s*. 4*d*.

4. Government does not afford any facilities for raising loans, but it is easy to raise loans from private persons on mortgage of the land, which should represent one-third more value than the loan. The customary rate of interest ranges from 6 to 10 per cent. per annum.

5. Owing to about twelve years successive failure of the silk crop, a great many proprietors had to raise loans on the mortgage of their property to enable them to cultivate the land, and the lands as a rule continue mortgage. The usual rate of interest is 6 to 10 per cent. per annum.

6. When purchasing, exchanging, or mortgaging, it is usual to apply to the Registrar of Property for a certificate on stamped paper that the property is free from all claims, lawsuits, and other encumbrances, and, if satisfactory, the deed of agreement is drawn up before a Notary and witnesses, and registered in the Registry of Property. The cost, legal expenses, about 16*s*.; besides this there is stamped paper according to tariff.

7. Wheat sown in November and gathered in June; the land is then ploughed, and maize is immediately sown, which is gathered in October. There is no cattle raised in this district.

8. Machinery is not employed; the agricultural implements are ancient and of the rudest sort, and all the work is done by manual labour.

Hired labourers are chiefly employed at the sowing and gathering of the crops; as a rule the tenants and families cultivate the land themselves. The average number of labourers to an acre cannot be ascertained, but it is calculated that one man with two horses or mules can plough in two days 6 hanegadas, equal to 1 acre and 1,120 square yards.

Female labour is not employed, except gathering olives and cutting grapes. Daily wages of an agricultural labourer is 1*s*. to 1*s*. 6*d*. per day. Labourers that live with their employers are engaged by the year, and gain about 15*l*. per annum, including board, lodging, and washing, and have to do any sort of work they are ordered.

9. The Valencians never emigrate, and are very staunch to their province and customs. From the towns on the coast they frequently go over to Algiers and Oran for the harvest, and afterwards return to their homes.

10. Proprietors and labourers live in the villages; the latter go great distances to work and return at night to the villages.

They live in small brick and stone houses of one story, and in mud huts with thatched roofs, and their horses, mules, and donkeys, pigs, &c., are located in a shed at the back of their houses, but all pass through one door.

The usual food, is—

Morning.—A pilchard (salted), bread, and wine.

Noon.—A stew of haricot beans and potatoes, with pieces of bacon; fruit and wine.

Night.—A stew as above, and often only the same as in the morning.

As a rule, they earn enough to get the necessaries of life, although in many cases their means are scanty.

12. There are not any statistics to be able to reply to this query, but I know the country is over populated, or, I should say, there is not sufficient land for the number of labourers, which is the reason that men are so easily found ready to pay premiums to buy out tenants, and pay the arrears of others, in order to lease the land.

13. The prevalent opinion on the above system is, that the position of the small proprietors is not enviable, owing to his small gains and heavy taxes, that very frequently finds them in difficulties to cover the expenses of their families and living.

(B.)—Tenants and Sub-Tenants under Landlords.

Tenure.

1. The quantity of land usually held by each is from 6 to 20 hanegadas (1 acre 1,120 square yards to 4 acres 600 square yards).

2. The nature of tenure, duration, &c., is by especial contract between the proprietor and farmer or Colonist. The usual duration is two to six years.

3. Tenancy is chiefly by contract in registered deed. The law does not recognize any duration of tenancy, but custom has fixed it at one year.

4. The system of registering a written agreement is by drawing up the agreement before a notary and witnesses and registering the agreement in the Registry of Property.

5. There is no law, but there exists the custom that gives the tenant the right to remain as long as he pays his rent punctually, except when the proprietor requires to cultivate his own land himself, in which case the tenant cannot resist quitting the land.

6. The tenant cannot sell his interest without consent of the proprietor.

Rent.

1. Tenancies are generally paid by fixed amounts of money.

A new system is being introduced in the rice plantations by which the tenant manures and cultivates the land at his expense, and the produce is divided one-third for the landlord and two-thirds for the tenant.

2. Rent is regulated by contract, but custom has fixed the maximum value of rent at 125 reals the hanegada (1*l.* 5*s.* 2*d.* the 998 square yards).

The rent is paid half-yearly.

3. The landlord has unlimited power to raise the rent and evict the tenant if not paid; but it is extremely rare to meet such cases as landlords using this power.

4. The legal means of procedure for proprietors and tenants to recover their rights, &c., is citation of each other before a Court of Law and presentation of the deed of agreement to exact the fulfilment of its conditions.

There is no law giving a landlord exceptional privilege over other creditors of the tenant, but custom allows the landlord this advantage.

Evictions.

1. The legal means of procedure to evict a tenant is the citation of the tenant before the Judge of a Law Court.

The notice required to be served on tenants who pay their rent punctually is forty days on houses and twelve months on lands.

The tenant's legal mode of resisting eviction is by citing the landlord before a Judge and demanding fulfilment of agreement.

It is customary to allow the tenants time to redeem their arrears.

2. Evictions are frequent with houses but not with lands.

Improvements.

1. Are executed by the landlords in houses and by the tenants in lands.
2. The tenant has no security.
3. The law recognizes the right of the tenant to claim compensation for the improve-

ments he may have made, but there is no law that enables the landlord to resist such a claim, unless there exists a contract between them with regard to this point.

Owing to this right of the tenant it has become general to stipulate in agreements of rent that the tenant, on leaving the land, shall not have any right to claim for improvements, but the landlord to have the right of claiming the payment of any damage done to his property.

4. The respective rights are defined before the courts of law, with surveyor or parties named to value the improvements or damages.

It is customary, on a tenant entering into possession of a property, for surveyors to examine the property, and describe it on paper, as far as regards the cultivation and plantation.

5. They have the same means of raising these loans on mortgages of their crops that the proprietors have on their properties. Public companies and banks have fallen into discredit, and scarcely afford any facilities.

Miscellaneous.

1. The relations between landlords and tenants are friendly, and no legislative interference is required by the tenants for their protection.

2. There is no class between the owners of the land, viz., small proprietors, and farmer or tenant; the tenants are therefore inferior to the small proprietors, inasmuch as they are only renters of the land.

3. Annual increase of population among tenants, compared with small proprietors, cannot be ascertained; no statistics kept in this country.

4. They do not.

5. It is that agriculture does not progress, on account of the reduced means of the small proprietors and tenants preventing them from introducing and trying improvements, new seeds, plants, &c.

6, 7. According to law in 1855 ("Desamorti gacion") the tenant that has cultivated lands of Government property ("Prenes Nacionales") for the space of 100 years, has the preferential right of becoming freehold proprietor, by paying only the value of the land estimated by Government, thereby avoiding the sale by public auction. Very few of such lands remain now.

8. Public opinion is favourable to this system, because it favours the cultivation of the land.

9. Government has sold all the properties of the church, and some charitable and civil institutions, and of the towns (common lands); and this has greatly increased the number of proprietors, owing to the facilities of acquiring said properties by sale for payment in instalments, extending over ten, fourteen, and twenty years.

10. Tenants do not receive assistance by law, public credit, or otherwise; only by the purchase of national property, and the occupation 100 years, do they become proprietors of holdings.

11. The laws do not tend to accumulate, but they favour, in a suitable manner, the dispersion, dividing the properties equally among the descendants of deceased proprietors.

Copyhold.

Copyhold does not exist in Valencia.

The rent of land has changed considerably since the beginning of this century, and all the productions of this country (province) have increased considerably in value and price obtained for them.

The introduction of manures, especially the Peruvian guano, and more care in cultivation, has contributed to these benefits: for these reasons rent has increased so much.

Note.—I have only mentioned the grain crops raised in reply to query No. 7, under head of small proprietors. I have to add the extensive crops of arachydes, or African ground nut, rice, hemp, and oranges.

The following statistics, from the last census, 1860, may be interesting:—

	Souls.
Total population of the Province	617,977
Proprietors of all classes	52,278
Tenants	22,467
Country labourers	85,444
Industrial classes—	
Male	15,322
Female	4,510

	Souls.
Artizans—	
Male	26,942
Female	6,438
Servants—	
Male (including farm Servants)	11,018
Female	18,163

(Signed) JOSEPH HENRY DART, JUN..
Vice-Consul.

Valencia, December 31, 1869.

Report on the System of Tenure of Land in the Neighbourhood of the City of Valencia, Spain.

In the majority of the towns in this valley and neighbourhood, the rent of land has been, from time immemorial, in favour of the families whose descendants, at the present time are cultivating them, and these rents or tenures pass from father to son to such an extent that it is considered as property belonging to the tenants, the right of continuing on said lands, and of distributing and dividing their cultivation among their families, always providing there has been no interruption in the punctual payment of the rent.

If the tenant has always punctually-paid his rent, the land or lease will not be taken from him, nor is it possible to meet a proprietor that would do such a thing.

In cases where the tenants have fallen into arrears with the payment, and for which cause they are evicted, others are easily found who will pay the evictor's arrears, as much as two years, and frequently pay a premium as well.

If any landlord, from choice, or to favour other colonists, should evict his tenant, and lease the land to another, it would be certain that landlord and tenant would come to blows, and some outrage would have to be lamented.

The houses or huts that are built on the land with permission of the landlord (who never opposes it) are the property of the tenant, but the land on which said buildings are erected always remain the property of the landlord. When an eviction occurs, if the landlord does not pay the colonist or tenant the value of the buildings, the tenant pulls them down and carries away the materials; this, however, rarely happens. Subletting the lands is prohibited without permission of the landlord, and, if such a rule is infringed, it would be a sufficient motive to evict the tenant.

The rent is always paid half-yearly: end of June and end of December, and paid in the City of Valencia.

The tenant pays the expense of water dues for irrigation and the guards, except when any extraordinary levy is laid for the repair of the weirs, canals, and other similar works.

The taxes on landed property are for account of the landlord, and, if the Government taxes the land for a larger sum than it really produces, then the landlord pays only to the extent of the rent, and the surplus is paid by the tenant, and is denominated as colonization.

The tenant is not allowed to make the least alteration in the boundaries of the property without the permission of the landlord, nor can he, without said permission, open paths or roads.

The leases are generally made by a public deed ("rescritura publica") before a notary, and for a fixed term; but small leases are made verbally, and it is considered a sufficient guarantee to the landlord or proprietor, the fear the tenant has of being evicted, which eviction only happens when the rent is not paid; but it is customary to allow the tenant twelve months to pay up, and he must not allow a second year's rent to fall due without paying the first.

It is the custom at Christmas for the tenant to give the landlord one fowl for every 49 acres, 86 centareas of land he cultivates, and the landlord presents the tenant with a cake of one pound weight for every two fowls.

The rate of rent ranges from 12*s*. 6*d*. to 25*s*.

The leases or plots are much subdivided, averaging from 1 acre 1,120 square yards to 4 acres 3 roods 800 yards, and very few exceed this.

The tenant that has 2 acres, 300 square yards under cultivation is able to maintain his family without the necessity of seeking work; he who has less land than the above-named has to seek work when his own land does not require his labour.

In the rice-grounds the customs of rents are identical, with the difference that the payment is yearly.

In years of drought "norias," or wheels for raising water, are opened for irrigation, which expense is paid by the landlord, but the tenant is obliged to contribute with his labour and horses or mules, and the conservation of the work and manual repair is borne by the tenant. As a rule, these "norias" are on the Moorish system, because the management of them is easier for the tenant, and is the cheapest method for the landlord.

A drawing and description of a noria will be found in Lieutenant C. C. Scott Moncrieff's work on the "Irrigation in Southern Europe," published in 1868.

The sub-division of the land in this province is considered very advantageous, because it moralizes the individual, creating in him habits of order, owing to affection for the property, and also increases the products of the land.

(Signed) JOSEPH HENRY HART, Jun.,
Vice-Consul.

Valencia, December 31, 1869

PART III.

REPORTS from Her Majesty's Representatives respecting the Tenure of Land in the several Countries of Europe.

(In continuation of Papers laid before Parliament March 29 and April 5, 1870.)

Presented to both Houses of Parliament by Command of Her Majesty. 1871.

LONDON:
PRINTED BY HARRISON AND SONS.

PART IV.

OF THE
Royal Asiatic Society.
CLASS.

REPORTS

FROM

HER MAJESTY'S REPRESENTATIVES

RESPECTING THE

TENURE OF LAND

IN THE SEVERAL

COUNTRIES OF EUROPE.

(In continuation of Papers laid before Parliament, March 29 and April 5, 1870, and March 27, 1871.)

Presented to both Houses of Parliament by Command of Her Majesty.
1871.

LONDON:
PRINTED BY HARRISON AND SONS.

[C.—426.] *Price* 5½*d.*

Report by Mr. Herries respecting the Tenure of Land in Italy.

[In continuation of Papers laid before Parliament March 29 and April 5, 1870, and March 27, 1871.]

Sir A. Paget to Earl Granville.—(*Received July 22.*)

(Extract.) *Florence, July 13, 1870.*

I HAVE the honour to inclose Mr. Herries' Report, in reply to the queries contained in the Earl of Clarendon's Circular of the 26th of August, 1869, respecting the tenure and occupation of land in Italy. Mr. Herries has addressed to me a confidential letter, in which he explains the reasons which have prevented him from concluding his Report earlier, and refers to the great difficulties of various kinds with which he has had to contend in its compilation. To these difficulties I beg leave to bear my own testimony, as well as to the unremitting labour which Mr. Herries has devoted to his task. No one probably out of Italy can form a conception of these difficulties; but Mr. Herries, by his unflagging perseverance and industry, has now produced a work which is replete with the most valuable information on the subject on which it treats, and which does the highest credit to his acknowledged ability.

Inclosure.

Report respecting the Tenure of Land in Italy.

Name of Country.—Italy.
Population.—Estimated in 1868, 25,527,915.

The last census was taken on the 31st of December, 1861, when 21,777,334 inhabitants of the Kingdom of Italy, as then constituted, were enumerated.

No census has been taken in the Provinces of Venetia and Mantua since 1857, when the number of inhabitants was found to be 2,446,124.

Religions.—Catholic, 24,157,855 persons; Evangelical, 32,932; Israelite, 29,233; other creeds, 1,840.

Industrial Pursuits.—Persons employed in agriculture, 8,292,248; mineral industry, 58,551; manufactures and arts, 3,225,057; commerce, 698,574.

Land Occupation.

The existing systems of land occupation are manifold.

There are peasant proprietors of small pieces of land which they till themselves.

There are proprietors of estates of various extent, who keep their land in their own hands and employ hired labour upon it.

There are large tenant farmers who have regular leases, middlemen who divide the land into small holdings, occupiers from year to year, who share the produce of the soil with the owners, money rents, corn rents, labour contributions, and various combinations of these conditions.

There are also leases for generations and perpetual tenancies at fixed rent, which I shall endeavour to describe in answer to the additional query concerning copyhold.

An estimate of the extent of land occupied in each or any of these different modes would be mere conjecture, resting on no sure foundation.

The Returns of the land tax assessments furnish no material for it.

The Kingdom of Italy inherited from the several States to which it had succeeded some twenty-three "catasti," or valuations of real property made at different periods, on different principles, in different methods, five from the Kingdom of Sardinia, where the first official valuation was begun in 1699 and completed in 1729, two from Lombardy, ten from Modena,—but it is needless to go through the catalogue. In some parts no real survey was made, and the estimations were formed upon the declarations of proprietors. The operation is said to have been effected in the most careless manner in the Neapolitan provinces, where it is averred that the recorded measurements are entirely incorrect.

The number of assessments to the land tax at different rates cannot lead to any safe conclusion as to the division of property, because it does not coincide with the number of taxpayers, a person possessing land in two or several communes being assessed separately in each of them.

According to the returns of the census of 1861 (not including Venetia), 7,708,631 persons (4,869,421 males and 2,839,210 females) were employed in agriculture or in branches of industry connected therewith. Of this number, 1,264,753 persons (768,417 males and 496,336 females) or about one-seventeenth of the total population of the kingdom at that time were small proprietors who cultivated their own land. They were distributed as follows :—

		Proportion per 100 of Population.
Piedmont and Liguria	608,375	17·21
Lombardy	160,179	5·16
Parma and Piacenza	31,117	6·84
Modena, Reggio, Massa	37,494	5·94
Romagna	16.069	1·55
Marches	40,255	4·56
Umbria	23,577	4·60
Tuscany	56,217	3·08
Neapolitan Provinces	223,705	3·30
Sicily	51,838	2·17
Sardinia	15,927	2·71
Kingdom	1,264,753	5·81

The next division of agriculturists is that of "mezzadri," or occupiers who take half the produce, or nearly so, of the soil, the other half belonging to the landlord. They were nearly equal in number to the small proprietors, but their distribution was very different, as will be seen by the subjoined figures.

	"Mezzadri."	Proportion per 100 of Agricultural Population.
Piedmont and Liguria	81,438	6·07
Lombardy	236,117	21·74
Parma and Piacenza	19,814	10·61
Modena, Reggio, Massa	83.267	34·37
Romagna	204,761	57·22
Marches	269,892	70·65
Umbria	95,343	38·43
Tuscany	227,374	39·79
Neapolitan Provinces	24,468	0·95
Sicily	5,470	0·97
Sardinia	342	0·02
	1,248,286	16·19

Of this total number of persons, 747,183 were males and 501,103 were females.

310,019 tenant farmers paying rent (200,478 males and 109,541 females) are enumerated in the following order :—

		Per 100 of Agricultural Population.
Piedmont and Liguria	24,730	1·77
Lombardy	52,539	4·83
Parma and Piacenza	4,990	2·67
Modena, Reggio, and Massa	12,370	5·11
Romagna	4,434	0·40
Marches	275	0·07
Umbria	130	0·05
Tuscany	10,321	1·81
Neapolitan Provinces	194,114	7·50
Sicily	8,201	1·45
Sardinia	915	0·06
	310,019	2·60

An undefinable class of occupiers of small holdings on various conditions comes under the head of "coloni." It comprises 319,457 persons (199,179 males and 120,278 females) the proportion of the total number to the whole of the persons employed in agriculture being 4·14 per cent.

Nearly half the peasant proprietors in Italy appear, from these Returns, to belong to Piedmont and Liguria, where they greatly outnumber all other classes of occupiers, and are more than 45 per cent. of the whole agricultural population.

In Lombardy this element is much less important, and is said to be confined to the mountainous region. The rest of the country may be considered as forming two zones, in each of which a distinct system of land occupation prevails:—

1. What is called the upper plain where, as a general rule, farms are small and the conditions of holding are either the division of certain descriptions of produce between owner and occupier, together with the payment of a fixed rent in corn, or the division of the whole of the produce in different proportions, according to circumstances.

2. The lower and richly irrigated plain, where, as is also the case in the corresponding part of Piedmont, the land is commonly let in large farms to substantial tenants who pay rent in money.

For Venetia there are no reliable statistics. Much land in that part of Italy is occupied by tenant farmers under leases of a very uncertain nature, the division of produce is also practised, and perplexing combinations of different systems are common. In many districts the complication is increased by the circumstance that the tenant who pays rent in money for a part of his holding, rent in wheat for another, rent in poultry and eggs for something else, who divides some kind of produce with his landlord, and who is further obliged to give him a certain number of days' labour at a stipulated price, is usually at the same time the proprietor of a piece of land which he cultivates on his own account; the working of every system and condition of land occupation being thus represented in the person of a single peasant.

From the returns given above, it may be seen how great is the preponderance of "mezzadri" over small proprietors and leaseholders, in the Emilian Provinces, the Marches, and Umbria take ntogether,—the total numbers being, in the first of these classes, 673,077; in the second, 148,512; and, in the third, 22,199.

Throughout the greater part of Tuscany the system called "mezzeria"—the partition of produce between owner and occupier—is almost invariably adhered to. There are many small proprietors, but few (see Note 1) are to be found who cultivate their own land, except in the little territory of the former Duchy of Lucca which has some peculiar features deserving notice. Land is extremely subdivided. In the plain a great number of exceedingly minute portions are held on leases for three generations. The mountains are covered with patches of freehold land occupied by the peasantry. Remarkable eagerness is displayed for its acquisition and, as an illustration of this feeling, I have been told by a gentleman well acquainted with this part of the country, that it is very common to see persons who have gone out to foreign countries—chiefly America—as itinerant image vendors, come home and buy bits of land as soon as they have succeeded in scraping together a little money in the exercise of their trade.

In the plain a great number of exceedingly minute parcels are held on leases for three generations.

These lots are in general so small that, although infinite care and labour are bestowed upon their cultivation, and the plain where they are situate has been rendered highly productive by irrigation, they cannot suffice for the support of the families of

their thrifty and industrious occupiers, who are obliged to seek additional means of subsistence by working elsewhere.

The land belonging to larger proprietors is occupied on the "mezzeria" system, with the exception of the olive grounds which they keep in their own hands, employing hired labourers.

In the Maremma or coast district, we find a state of things entirely different from that which exists in any other part of Tuscany. Here the rule is, extensive property and large farms in the hands of the owners, or let to tenants, the former being the more usual practice. Small holdings on the "mezzeria" principal have, however, been created by some great landowners.

The number of peasant proprietors in the Neapolitan Provinces is considerable, but the extent of land they cultivate is probably very inferior to that which is occupied by tenant farmers.

Since the year 1812 when the feudal tenures which had their origin in the Norman conquest were abolished in Sicily, the tendency of legislation has been to favour the alienability and division of property. In 1819 entails were put an end to, and the testamentary power of a father was limited to one-half of his property, an equal share in the other half being secured to each of the children. Encumbered estates were required to be sold for the payment of debts in 1824. In 1862 a Law was made for the disposal of the church lands, with certain exceptions—the value of which was then estimated at one-sixth of that of the landed property of Sicily—in small portions on perpetual leases. Under the provisions of this Act, which was confirmed by the subsequent disendowment Laws of 1866 and 1867, such leases have been made, producing an aggregate rental of (at the end of 1869) 5,629,640 francs.

An official return shows that between June 1864, when the operations began, and the end of December 1869, when they were almost completed, 19,427 lots were disposed of, the aggregate extent of which was 182,736 hectares (about 451,554 acres), the average being about 9·40 hectares, or nearly 23¼ acres. I am unable to say how much of this land has been acquired by the peasantry. A considerable proportion of it is said to have come into the hands of the wealthier classes.

Similar grants of land to be held in perpetuity on payment of a fixed rent were made very frequently by the feudal lords in former times, and in many cases the land so held has been broken up into extremely small fragments. Small freeholds occupied by their owners also exist.

But in spite of the legislative changes that have taken place during the last fifty years, the greater part of the soil of the island is still in the possession of a few. (See Note 2.)

The rural economy of Sicily is so peculiar, and the accounts given of it are so contradictory, that it behoves a stranger to be very cautious in speaking on the subject.

A few large proprietors keep their land in their own hands, and attend to its cultivation, but this requires not only a considerable amount of disposable capital, but constant supervision, difficult under any circumstances, and rendered more so in times not far distant by the insecurity of the interior of the country as well as by the proverbial deficiency of means of communication. It is, therefore, not surprising that such undertakings have hitherto been comparatively rare. The usual practice seems to be to let the whole of one estate—still called in common parlance "feudo"—to a tenant for three, five, seven, or nine years.

It is often affirmed that the tenant—called "gabelloto"—as a general rule divides the land into proportions which he sub-lets to others, who again subdivide and sublet, the same process being repeated through several grades until it can be carried no further. But I am assured by one of the principal landowners of Sicily that this is by no means a correct description of the present state of things, subletting being on the contrary expressly prohibited by a covenant in almost every lease. My informant, whose authority cannot be contested, further tells me that the ordinary mode of proceeding is this. The tenant, who rarely farms more than a portion of the lands he holds, distributes the rest in small lots, the occupation of which is limited to the raising of one year's crops, among the peasants of the neighbourhood, with each of whom he makes a particular agreement. Such temporary arrangements are principally of two sorts:—

1. "Terraggeria," where the labourer has to make a certain stipulated payment in kind, generally wheat; and,

2. "Metateria," where the produce is to be divided in various ways according to circumstances between the parties.

According to other accounts the agreement sometimes has a duration of two or three years.

The manager of one large property says that he lets a farm to one or more tenants, who "sublet it to a legion."

In some places there are small tenant-farmers holding land immediately of the owners.

Notes.

1. *On Small Proprietors in Tuscany.*—Small portions of land are in some places occupied by peasants, who hold them in *quasi* perpetuity by the tenure called "livello," or "enfiteusi," and who may be considered as in part owners of such land.

Explanations on this subject will be given in reply to the additional query.

2. *Division of Land in Sicily.*—Count Salmour, in a work of high reputation on Land Credit (published in 1862), referring to the "Catasto," assumes the number of owners of real property in Sicily to be 703,650, or 31 per cent. of the inhabitants of the island, and he adds that of these 703,650 persons there are barely 1,344 whose annual incomes from real property exceed 425 francs (13*l.*)

This remarkable statement. from which it appears that nearly one person in three—men, women, and children—is a land or house owner in Sicily, deserves examination, and the more so because it has been reproduced and indirectly confirmed by another eminent writer on Land Credit.

It evidently refers to an official Return which was published at Palermo in 1861. Now, I find on the face of this Return a note distinctly explaining that it shows merely the number of insertions in the Register ("Articoli di Castasto"), and not the number of proprietors. Two reasons are given for the indication of the former and not of the latter. In the first place the same proprietor's name sometimes appears more than once in the "Catasto" for a single commune; and, secondly, he may possess property in more than one commune.

I am able to show a case in point:—It is that of a great landowner by whom I am informed that he has property of different kinds in six out of the seven Provinces of Sicily, and in about four communes on an average in each province. He must appear in the "Catasto" at least twenty-four times, and is, therefore, reckoned by the authors above-mentioned as twenty-four proprietors.

With regard to the second part of the statement under consideration, it is to be observed that the official Return gives 1,344 as the number of persons having incomes from real property exceeding 1,000 ducats, the equivalent of which sum would be, not 425 francs, but 4,250 francs.

(A.)—Small Proprietors.

1. The accounts which I have been able to obtain from different parts of Italy show that the quantity of land held by each varies from a quarter of an acre to about 50 acres.

It appears to be more frequently intersected by other properties than held together; but in some places the contrary is said to be the general rule.

The small proprietors spoken of here and elsewhere are those who occupy and cultivate their own land.

2. The Italian Civil Code, which came into operation on the 1st January, 1866, regulates in the following manner the descent and division of property of any kind, whether real or personal, on the death of the owner:—

When a person dies intestate his or her legitimate issue or their descendants, without distinction between males and females, or between the whole and the half blood, inherit altogether, *per capita*, when all are in the first degree; and *per stirpes*, when all or any of them succeed by representation.

Adopted children, as well as those legitimated by subsequent marriage of the parents, or by Royal Decree, and their descendants, are included in this provision.

If the intestate leaves no issue, and no brothers or sisters, or their descendants, the father and mother divide the inheritance equally between them, or the surviving parent takes the whole.

In default of all the heirs above designated, the ancestors of the deceased in the paternal line take one moiety, and those in the maternal line the other moiety of the property left, without regard to its origin. If, however, they are not all in the same degree, the whole inheritance goes to the nearest ancestors in either line.

Brothers or sisters of the whole blood inherit, *per capita*, together with the father and mother, or one of them, of the deceased, with this proviso, however, that the portion of the parents, or of the surviving one, must in no case be less than one-third.

Brothers or sisters of the half-blood are entitled to only half the portion of those of the whole blood.

The descendants of brothers or sisters succeed *per stirpes*.

If both father and mother are dead the portion they would have had, if alive, goes to the nearest lineal ancestors.

In default of issue, parents, or any lineal ancestors, the brothers and sisters of the deceased inherit *per capita*, and their descendant *per stirpes*.

On failure of lineal descendants and ancestors, brothers or sisters, and their descendants, the nearest kindred of the deceased inherit, but the succession does not extend beyond the tenth degree.

If, besides legitimate issue, the intestate leaves natural children, recognized according to law, the latter take half the portion that would have belonged to them if legitimate.

If he or she leaves no legitimate issue, or their descendants, but a father or mother, or other lineal ancestor, or wife or husband, two-thirds of the inheritance go to such natural children, and the remainder devolves upon the ancestors, or the husband or wife. If there are left at the same time natural children, lineal ancestors, and a husband or a wife of the deceased, then the ancestors take one-third, the husband or wife one-fourth, and the natural children the rest.

Natural children inherit the whole property of the intestate in default of legitimate descendants, or ancestors, or wife or husband.

The estate of a natural child who dies leaving no issue or husband or wife is inherited by that parent who has recognized such child. If both parents have recognized their child they divide the inheritance equally between them. One moiety belongs to them, or to one of them, if there is left a wife or a husband, who takes the other moiety.

The husband or wife of the deceased has the usufruct of a portion equal to that of each of the legitimate children, if any, such husband or wife being reckoned as one of their number. That portion, however, can never exceed the fourth part of the inheritance.

The surviving husband or wife has the absolute property of one-third; when lineal ancestors or natural children, or brothers or sisters, or their descendants, but no legitimate issue, are left. Of one-fourth, when there are both lineal ancestors and natural children of the deceased. Of two-thirds, in the case of other kindred being entitled to share in the succession. Of the whole, when no kindred are left within the sixth degree.

The right of inheritance which would have belonged to a surviving husband or wife is lost in consequence of a judicial sentence of separation obtained at the suit of the deceased.

In default of all persons capable of succeeding, according to the rules laid down by the code, the inheritance devolves to the State.

No person can dispose by will of more than a moiety of his property if at his death he leaves children—legitimate, legitimated, or adopted—to whom and to their descendants the other moiety is reserved.

If the testator leaves no descendants, but lineal ancestors, he may dispose of two-thirds, the remaining third belonging to his father and mother, to be divided equally between them, or to the survivor of them. When neither father nor mother is left, but there are paternal and maternal ancestors of the testator in the same degree, one-half of the reserved portion to the former and the other half to the latter. If they are not in the same degree the whole of it is taken by the nearest in either line.

The portion due by law to either descendants or ancestors cannot be burdened with any conditions by the testator.

A surviving husband or wife is entitled to the usufruct of a portion equal to that of each of the legitimate children if any of the testator; to the usufruct of one-fourth of the property when lineal ancestors but no descendants are left; and, in default of both, to the usufruct of one-third.

When, besides legitimate issue or lineal ancestors, the testator leaves legally-recognized natural children, these last have a right to half the quota that would have belonged to them if legitimate. They are entitled to two-thirds of such quota, when there are no legitimate descendants or ancestors of the testator.

The portion which is due to a husband or wife, or to natural children, must be

taken from the disposable part of the testator's property, and cannot be deducted from that which is reserved by law to legitimate descendants or ancestors.

Except in the cases provided for in the manner above stated, any person of sound mind, and having completed the age of 18 years, can dispose of the whole of his goods by will.

The Code specifies, however, several causes which may render persons incapable of receiving bequests, as well as of inheriting *ab intestato*.

Entails are prohibited.

In the Venetian provinces where the Italian Civil Code has not yet been put in force, the descent of landed property has hitherto been regulated by the Austrian Code.

3. The legal method used for the sale, transfer, exchange, or division of landed property, is by distinct conveyance followed by registry. By the Civil Code any such contract is void, unless made either by what is termed "atto pubblico"—a deed executed with certain formalities before a Notary or other public functionary empowered to authenticate the same; or by "scrittura privata"—a private instrument.

Under the provisions of the Registration Laws of 1866 and 1868, such acts must be presented at the property Registry Office within twenty days after date, by the Notaries before whom they have been executed, or by the parties interested, if they have been executed privately. The penalty for delay is a fine equal in the former case to half the duty, and in the latter case to the whole of the duty chargeable. Unregistered deeds cannot be received as evidence by any Court of Justice. The following registration duties are payable (including what is called the additional war tenth).

On the sale or transfer of real property, 3 francs 30 centimes for every 100 francs of the total amount of the price, together with the charges assumed by the purchaser.

On exchange, the same rate calculated on the property of the highest value.

On division, 2 francs 20 centimes, up to the value of 1,000 francs, and 1 franc 10 centimes, for every additional value of 1,000 francs.

The deeds must be written on stamped paper of 1 franc per sheet.

The other expenses of a conveyance, such as charges of Notaries, &c., cannot be precisely stated, as they necessarily vary according to its length and difficulty. Under ordinary circumstances, however, they may be reckoned at from 200 francs to 300 francs for a public notarial act. In the case of a private deed, where the Notary has merely to attest the signatures of the parties, there is only a charge of 1 franc for every attestation.

The Civil Code provides, that publicity must be given to conveyances by transcription in the register of the officer, called "Conservatore delle Ipotechi." Until they have been so transcribed, they cannot affect the rights of third parties.

A fee of 1 franc 25 centimes, is payable for this formality.

4. No special facilities are afforded for raising loans from Government upon landed property.

A system of credit on real property ("Credito Fondiario") was established in 1866, after various unsuccessful attempts on the part of Italian and foreign capitalists, by an agreement between the bank of Naples ("Banco di Napoli"), an agricultural bank of long standing called "Monte dei Paschi di Siena" (founded in 1624), the savings-banks of Milan and Bologna, and a charitable institution at Turin called "Opera Pia di San Paolo di Torino."

Under the terms of this Convention, which was sanctioned by Law, June 14, 1866, a certain district is assigned to each of the above named institutions for its operations, the Neapolitan provinces to the Bank of Naples, the Tuscan provinces and that of Perugia, to the "Monte dei Paschi di Siena," the Marches, Romagna, Modena, and Reggio, to the savings-bank of Bologna, Lombardy, and part of Piedmont to that of Milan, and the Provinces of Alessandria, Cuneo, Genoa, part of Novara, Porto Maurizio, Turin, Parma and Piacenza, to the "Opera Pia di San Paolo" of Turin.

	Francs.
As a guarantee fund for the operations contemplated by the agreement, the Bank of Naples sets apart from its capital	8,000,000
The Monte de Paschi	1,000,000
The Bologno Savings-Bank	1,000,000
The Milan Savings-Bank	4,000,000
The Opera Pia di San Paolo	1,500,000

The following are the main features of this system of credit.

Loans are made on first mortgage of land or houses to the extent of half the value of the property.

The smallest amount of any one loan is 1,000 francs, and the largest, 500,000 francs.

Every such loan is made in bonds issued by the lending institution, and taken by the borrower at their nominal value of 500 francs each. These bonds which are transferable, bear interest at 5 per cent. and they are paid up by half yearly drawings. The borrower has to pay annually, interest at the rate of 5 per cent. on the amount of the loan, 60 centimes on every 100 francs for commission, expenses of management, registration, stamp, and mortgage duties, &c., and further, a sum to be applied towards the redemption of the debt which must be extinguished in this manner within a period of not less than 10 or more than 50 years.

Advances in money may also be made in account current to a land or house owner who is allowed to open a credit on mortgage security, between the limits of 1,000 francs and 500,000 francs.

The rate of interest is variable. It must, however, be at least 1 per cent. higher than the actual interest on the above-mentioned bonds calculated at their real market value.

Advances may likewise be made on deposit of land credit bonds.

Provision is made by the Law above cited for the acquisition of existing mortgages by any one of these institutions.

The establishments of Milan and Turin began to transact business under the new system in October 1867, that of Bologna in January 1868, and those of Naples and Siena in the following April. The subjoined statement of the extent of their operations up to November 1868, is taken from the Report of the Currency Committee of the Chamber of Deputies, 1869.

	No. of Applications for Loans, &c.	Amount asked for.	No. of Applications Granted.	Amount of Loans.	No. of Bonds issued.	Average Market Price of Bonds of 500 francs Nominal Value.
		Francs.				Fr. c.
Bank of Naples ..	193	13,534.225	17	392,500	783	400 0
Monte dei Paschi ..	18	1,195,500	4	184.000	386	422 0
Bologna Savings-Bank	50	3,906,980	6	573,500	1,147	..
Milan Savings-Bank	67	3,080,700	11	664,000	1,321	440 0
Opera Pia di San Paolo	224	7,392,000	47	2,023,500	4,047	433 75
Total	554	29,109 405	85	3,837,500	7,684	..

A further account of the loan operations of these institutions will be found annexed to the replies to these Queries (No. 4).

The Bank of Sicily has undertaken to act for that island.

It was felt that the system of "Credito Fondiario" thus established, however much it might benefit the landed interest by rendering the conditions of loans on mortgage less onerous than before, did not, however, meet the ordinary requirements of agriculture, and the attention of the legislature was directed to the necessity of introducing a new mode of agrarian credit which should enable farmers and others to borrow money for short periods on reasonable terms. A measure for this purpose was brought forward in 1867 by the Minister of Agriculture, Industry, and Commerce, who in doing so alluded to the agricultural distress prevailing in Italy, and pointed out that owing to the want of good institutions of credit available to them, agriculturists were "exposed to the excesses of the most unbridled usury" and the progress of cultivation was checked.

This Bill, after undergoing various modifications, finally became law on the 21st of June 1869.

It authorizes the formation of companies, institutions, &c., for the following objects:—

To assist farmers and land owners by discounting or negotiating promissory notes, bills of exchange, warrants, &c., not having more than ninety days to run;

To lend money to such persons for periods not exceeding twelve months on securities that can be easily realized, as land credit bonds, or agricultural produce deposited in public warehouses, &c.;

To issue bonds and notes payable at sight;

To receive deposits;

To promote undertakings for reclaiming land, replanting forests, making irrigation canals, or roads, and for the execution of other works beneficial to agriculture;

To promote the establishment of warehouses for agricultural produce;

To undertake on sufficient security the payment of taxes due from land-owners or their tenants;

To discount to landlords the rent payable by their tenants.

Two Joint Stock Banks, "Banca Agricola Nazionale" and "Banca Agricola Italiana," have been (1870) established pursuant to the provisions of the above-mentioned law.

A very ancient form of agricultural credit in kind which still exists in some parts of Italy, and more particularly in the Southern Provinces deserves to be noticed.

"Monti Frumentari" or corn banks, are stores of grain from which the quantity required for sowing is advanced to small farmers. The conditions of such loans are stated generally to be that the grain lent in level measure is to be returned the next year in heaped measure. According to the regulations established in the Province of Otranto the distribution of grain takes place from August to the end of October, and the quantity advanced to each farmer must be restored not later than the month of August in the following year, with the addition of two-twentieths for every measure equivalent to about 1½ bushels, or in other words, with 10 per cent interest.

It is expressly laid down that no grain is to be supplied directly or indirectly to corn dealers.

In some few places funds arising from the sale of surplus stocks of "Monti Frumentari" have been collected for the purpose of making loans in money to farmers for the purpose of wages at harvest time.

These institutions seem to have had their origin in charitable foundations. They began to appear in Lombardy at the close of the fourteenth century, in the Emilian Provinces at the end of the fifteenth, in the south of Italy and in Sicily about the same time, and in Sardinia, perhaps, early. They have been exposed to many vicissitudes. In the Neapolitan Provinces they were plundered and ruined in 1799, and at a later period placed by the French authorities under a central administration with a dotation from the property of suppressed ecclesiastical corporations. After having been deprived of this fund at the Restoration they were again put on their original footing in 1827, and are said to have enjoyed a period of prosperity until 1848, since when, but more particularly since 1860, they have been falling into decay.

In a work published by Dr. Maestri, the Director of the Statistical Department of the Kingdom of Italy, the number of these "Monti Trumentari" throughout the country is reckoned at 1,908, possessing an aggregate stock of about 220,000 quarters of corn.

Since these replies were written a statement of the loan operations of the above-mentioned Land Credit Institutions has been received from Mr. Colnaghi, to whom it was communicated by the manager of the "Opera Pia di S. Paolo," at Turin. The following general results are taken from it.

AMOUNT of Loans granted from October 1, 1867, to December 31, 1869.

	Francs.
Bank of Naples	5,132,500
Monte dei Paschi di Siena	913,000
Bologna Savings-Bank	2,176,000
Milan Savings-Bank	3,397,500
Opera di San Paolo, Turin	8,047,000
	19,666,000

MARKET PRICE OF BONDS.

	1868.		1869.	
	Highest.	Lowest.	Highest	Lowest.
	Fr. c.	Fr. c.	Fr. c.	Fr. c.
Naples	400 0	359 50	400 0	340 0
Siena	430 0	400 0	395 0	370 0
Bologna	433 30	410 0	420 0	..
Milan	445 0	440 0	450 0	445 0
Turin	435 0	422 0	448 50	425 0

5. The following figures, which are taken from a statement published by the Finance Department, show the total amount of the mortgages registered in the several

principal divisions of the Kingdom of Italy, not including the Venetian Provinces, at the end of each of the years 1866 and 1867 :—

	Bearing Interest.		Not bearing Interest.	
	1866.	1867.	1866.	1867.
	Francs.	Francs.	Francs.	Francs.
Ex-Kingdom of Sardinia ..	1,552,741,139	1,614,884,696	953,273,341	990,894,623
Lombardy	1,049,067,225	1,101,690,770	256,336,617	272,111,051
Parma	154,946,848	165,560,122	68,685,585	66.892,955
Modena	125,602,491	134,683,017	90,210,521	92,101,350
Ex-Papal Provinces	464,674,920	509,643,580	535,260,180	1,426,200,960
Tuscany	640,371,554	685,152,848	187,451,789	789,481,501
Neapolitan Provinces . ..	1,119,924,642	1,195,154,539	2,329,233,583	2,511,940,889
Sicily	526,866,766	600,898,943	807,501,026	849,070,034
Total	5,644,195,585	6,007,668,515	5,227,952,742	7,007,692,371
Add, mortgages bearing no interest	5,227,952,742	7,007,668,371	..	..
Grand total . ..	10,872,148,327	13,015,360,886	..	..

In 1865 there were—

	Francs.
Mortgages bearing interest	5,266,441,876
Ditto, not bearing interest	4,949,464,699
	10,215,906,575

And for the three previous years the amount of charge is given in round numbers by Dr. Maestri in the "Italia Economica," thus :—

	1864.	1863.	1862.
	Francs.	Francs.	Francs.
Mortgages bearing interest ..	5,046,000,000	4,825,000,000	4,680,000,000
Ditto, not bearing interest ..	4,621,000,000	4,296,000,000	4,159,000,000
Total	9,667.000,000	9,121,000,000	8,839,000,000

5, 6, 10, 15 per cent., or more, are rates of interest paid in different places.

It is to be observed with regard to the mortgages bearing no interest that more than half the amount is registered as an eventual charge.

As above stated the total amount of the mortgage debt on which interest was payable was, at the end of 1867, 6,007,668,515 francs. What proportion this sum bears to the total value of real property I cannot pretend to know.

In the "Italia Economica" for 1868, at page 184, the total mortgage debt at the beginning of 1865, 9,668,885,997 francs is reckoned as one-fifth of that value, which would consequently be 48,344,429,985 francs. At page 186 the sum of 5,000,000,000 francs which was in round numbers the amount of the interest bearing debt at the same period, is said to be one-tenth of the actual value of property ("il quarto cioè ed anche più del valore catastale ed il decimo del valore effettivo dei fondi"). But a little further on the sum of 1,005,000,000 francs is given as the true estimate (the official valuation is much less) of the total income from real property, and the interest on the capital is assumed to be at the rate of 3½ per cent. ("il proprietario che non trae da' suoi fondi se non il 3½ per cento," &c.) The capital must, therefore, amount to (in round numbers) about 28,700,000,000 francs, instead of 50,000,000,000 or 48,300,000,000 francs, according to the two immediately preceding calculations. It is possible that the above mentioned rate of interest may be intended to apply only to land and not to house property; but in that case the discrepancy would be still greater, because, a higher rate of interest being taken for the whole, the amount of the capital deduced from it must of course be diminished.

A bill on land credit brought forward by the Government in 1862 was accompanied by a statement from which it appeared that the aggregate value of real property in the whole kingdom, as then constituted, was 25,200,000,000 francs, the annual income at 4 per cent. being 1,008,000,000 francs.

Another statement made on the same same subject by the Minister of Agriculture, Industry, and Commerce in 1866, gave 29,178,000,000 francs, as the amount of the capital in the continental provinces alone, and 883,392,000 francs as the income derived from it.

A Royal Commission was appointed in 1861 to endeavour to find the best mode of making an equitable appointment of the land tax among the different parts of the newly united kingdom, I have before me the Report, which together with its accompanying documents fills 806 quarto pages; and likewise the reports of the proceedings of the Chamber of Deputies and the Senate thereupon, in two volumes quarto, comprising 1,154 pages in double columes. These papers contain some very ingenious and elaborate calculations of the actual income from real property; but, interesting and valuable as no doubt they are, their results are so various, and gave rise to so much controversy, that considerable perplexity is caused by the study of them; and it seems difficult to avoid the conclusion come to by a learned Professor of Political Economy in a memoir addressed to the Statistical Congress of Florence—that we left in uncertainty as to the amount both of the annual income from real property and of the capital.

The mortgage debt in the Venetian Provinces, to which none of the preceding observations are applicable, amounted in 1868, according to "l'Italia Economica," to 357,377,782 francs, and the value of real property there has been estimated at about 2,000,000,000 of francs.

The Ministerial statement above referred to, which accompanied the Land Credit Bill of 1862, made it appear that the average rate of interest on mortgages was then about 7 per cent. In the north it was 5 per cent., and the highest interest was paid in the southern continental provinces, in Sicily and Sardinia. A Table annexed to this statement shows the following variations of interest on mortgages registered in Calabria during the ten years 1851-60:—

	Per cent.
In each of the years 1851, 1852, 1854, from	3 to 15
1853	1 24
1855	3 24
1856 and 1858	2 15
1857	1 15
1859	3 20
1860	2 20

The average for the whole period was 8·39 per cent.

For the purpose of ascertaining the effect of the abolition of the legal rate of interest in the Kingdom of Sardinia in 1857, Count Cavour caused returns to be furnished showing the different rates of interest above 5 per cent. on mortgage debts contracted in the several administrative divisions during the months of June and July in that year. The maxima were as follows:—

	Per cent.
Cagliari	30
Turin	12·50
Annecy and Cuneo	12
Ivrea and Vercelli	10
Alessandria	9
Genoa, Novara, and Chambery	8
Savona	7·50
Sassari	7
Nice	6

The average was 7·40 per cent.

The extent to which small properties in particular are mortgaged can only be conjectured.

Count Salmour, in his work on land credit ("Del Credito Fondiano e del Credito Agricolo in Francia ed in Italia de Torino, 1862,") says that of the whole number of mortgages effected in the Sardinian States in 1849, no less than 46½ per cent. were for sums below 500 francs, and 70 per cent were for sums inferior to 1,000 francs. Speaking more generally, and of a later period, he observes that the greater number of the loans contracted are those of the least magnitude, which are raised by small proprietors.

In the opinion of this author the object for which money is borrowed is, in the majority of cases, the purchase of land, and very rarely indeed the improvement of property. The ruling passion of the peasant, he says, is the desire, to become the owner of a farm, or to extend it if he possesses one. This passion, he observes, has produced some very good effects; but, on the other hand, great inconvenience and danger arise from the extravagance and improvidence of peasants, who buy beyond their means, and contract onerous debts, from which they find it difficult to free themselves.

6. The following is the legal method of registering a mortgage:—

(1.) The contract for the loan which is to be secured by mortgage must be registered

in the same manner as any other contract within twenty days after the execution of the deed at the Registry Office for the district in which such deed has been executed.

A duty is chargeable thereon at the rate of (including the War Tenth) 55 centimes for every 100 francs of the sum borrowed.

(2.) The inscription of the mortgage deed must further take place at the office of the keeper of mortgages ("Conservatore delle Ipoteche") for the district in which the property mortgaged is situated. Until this has been done it has no effect.

The formalities required for this purpose are prescribed by the Civil Code thus:—

The mortgage deed must be presented, together with a statement in duplicate, setting forth—

(1.) The Christian name and surname, the domicile or residence of both lender and borrower, their profession, if any, and likewise the names of their fathers.

(2.) The domicile chosen by the lender within the jurisdiction of the Court to which the particular mortgage office belongs.

(3.) The date and description of the deed, as well as the name of the public functionary to whom it was delivered, or by whom ti was attested.

(4.) The amount of the sum borrowed.

(5.) The interest or other annual payments thereon.

(6.) The time fixed for repayment.

(7.) The nature and situation of the property mortgaged.

The Keeper of Mortgages retains one copy of the statement in his office, and returns the other, accompanied by a certificate showing that the inscription has been duly effected.

The expenses are to be paid by the borrower unless it be otherwise stipulated.

They are as follows:—

Duty, including war-tenth, 55 centimes for every 1,000 francs of the sum inscribed.

Fees, 1 franc 25 centimes.

As to the charges of notaries, lawyers, &c., the observation may be repeated which was made on a similar subject in replying to query 4. From 200 to 300 francs may be taken as a fair average.

7. The extent of productive land in the Kingdom of Italy is reckoned at 23,057,496 hectares, divided thus:—

	Hectares.
Arable land, with or without vines	11,035,061
Meadow land	1,173,436
Rice grounds	153,303
Olive plantations	554,767
Chestnut plantations	585,182
Woods and forests	4,158,349
Pasture	5,397,448

These figures are taken from the above cited work, "l'Italia Economica," published by the Director of the Statistical Department in 1868, and the following account of the average annual produce of the soil is given on the same authority:—

	Hectolitres.
Wheat	34,749,168
Maize	16,352,141
Rye	2,799,951
Barley and oats	7,467,239
Rice	1,584,798
Other cereals	6,543,905
	69,497,202

Other kinds of agricultural produce:—

	Hectolitres.
Chestnuts	5,360,142
Potatoes	9,513,043
Pulse	3,955,899
Oil (olive)	1,561,430
Wine	28,879,900
	Metrical quintals.
Hemp and flax	635,000

An approximative estimate for each of the principal divisions of the kingdom will be found in the subjoined tabular statement. The figures are taken from the "Annuario Statistico Italiano" for 1864, with the exception of those under the heads of Oil and Wine, which are extracted from "l'Italia Economica."

	Piedmont.	Lombardy.	Parma and Placentia.	Modena, Reggio, and Massa.	Romagna.	Marches.	Umbria.	Tuscany.	Neapolitan Provinces.	Sicily.	Sardinia.	Venetia and Mantua.
	Hectolitres.	Hectolitres.	Hectolitres.	Hectolitres.	Hectolitres.	Hectolitres.	Hectolitres.	Hectolitres.	Hectolitres.	Hectolitres.	Hectolitres.	Hectolitres.
Wheat	4,122,274	1,992,222	673,001	650,000	2,302,438	2,029,120	1,008.315	1,500,000	12,182,290	5,877,475	787,741	1,268,292
Maize	3,984,863	3,041,116	604,029	550,000	1,159,680	1,214,921	337,982	600,000	2,802,362	..	15,323	2,051,865
Rye	1,572,868	572,836	6,676	60,000	2,882	2,060	4.524	500,000	..	..	..	78,105
Barley	..	34,239	1,494	5,384	24,492	50,748	113,732	..	4,947,917	4,306,711	264,454	28,246
Oats	..	221,438	32,315	4,637	27,819	56,298	55,533	..		..	111,858	179,924
Rice	424,290	536,933	47,108	60,000	165,213	1,263	33	..	..	6,658	..	191,900
Other cereals .	1,468,762	239.955	14,263	180,000	..	..	..	400,000	3.250,000	669,762	135,040	186,123
Chestnuts ..	1,577,081	132,612	101,241	213,333	57,471	11,481	13,533	1,220,000	1,900,000	29,000	28,390	76,000
Potatoes ..	1,785,388	234,134	2,179,807	56,986	9,072	21,743	22,946	..	5,067,718	..	9,099	146,150
Pulse	1,090,689	285,537	176,148	137,341	122,058	162,436	166.659	..	1,487.199	217,247	16,696	93,889
Oil	283,500	48,320	..	4,000	5,400	57,300	2,880	160,000	629,600	307,380	54,000	9,050
Wine	3,800,412	1,228,150	600,000	750,000	3,663,933	2,447,400	1,724,150	1,500,000	2,101,700	8,188,100	508,000	2,368,050
	Met. quint.	Met. quint.	Met. quint.	Met. quint.	Met. quint.	Met. quint.	Met. quint.	Met. quint.	Met. quint.	Met. quint.	Met. quint.	Met. quint.
Forage . ..	10,030,054	9,571,917	1,157,863	4,500,000	3,024,000	1,200,000	144,000	..	..	..	..	15,603.680
Flax	69,826	52,877	..	103	2,800	1,000	3.000	..	..	..	..	8,000
Hemp		17,097	..	49.028	193.000	2.600	8.000	..	..	..	..	40.011

Oranges, lemons, and other fruits, as well as various dyeing materials and drugs, constitute a considerable source of wealth, particularly in Sicily and the southern provinces of the mainland; but the total quantities raised cannot be ascertained.

A few general calculations of amount of produce per hectare (1 hectare equal 2 acres, 2,280·3326 square yards), as well as of the quantity required for sowing or planting in different kinds of cultivation, may be here inserted. They are taken from the "Manuale dell' Agricoltore," a book lately published by Professor Cuppari, Director of the Agricultural Institution of the University of Pisa.

	Per Hectare.	
	Sown or Planted.	Produce.
Wheat	150 litres	Varies greatly; about 12 hectolitres.
Rye	Ditto	Ditto.
Oats and barley	250 litres	Abous 24 hectolitres.
Rice	200 litres	Varies greatly; good, crop, 30 hectolitres.
Maize	50 to 75 litres	About 25 hectolitres.
Saggina (Indian millet)	15 to 20 litres	Varies greatly.
Miglio (common millet)	8 to 12 litres	About 30 hectolitres.
Beans	120 litres	15 hectolitres.
Colza	5 kilogrammes	25 hectolitres.
Potatoes	2,500 kilogrammes	18,000 kilogrammes.
Turnips	4 kilogrammes	Over 30,000 kilogrammes.
Cotton	50 kilogrammes	300 kilogrammes of wool, and 900 kilogrammes of seed.
Madder	60 kilogrammes of seed, or 1,400 kilogrammes of roots.	3,500 kilogrammes of dry root, besides stalks.
Flax	150 to 200 kilogrammes	350 kilogrammes of broken flax, and 18 hectolitres of grain.
Hemp	90 litres	700 kilogrammes.
Lemons	..	490,000 lemons.
Olives	..	6 hectolitres.
Chestnuts	..	2,200 kilogrammos; reduced, when dry, to about 610 kilogrammes.
Mulberry	..	10,000 kilogrammes of leaves.
Sumach	..	1,500 kilogrammes of leaves.
&c. &c.		

An account given by Professor Cuppari in another work of the various systems of rotation and the general mode of agriculture prevailing in Tuscany and in other parts of Italy, will furnish the best answers to the questions relating to these subjects.

The first system to be noticed is the very singular one practised in the plain of Lucca, where, year after year, on the same land, the same crops are raised in succession: first, wheat (from December to June), and afterwards maize accompanied by kidney-beans and turnips, a slight change, however, being made once in about every four years by the substitution of a mixture of barley and beans as a first crop for wheat. The continuance of this process, without exhausting the soil, is rendered possible by the frequent and laborious use of the spade by the small cultivators who are either owners of the land or occupiers on leases for three generations, by the quantity and quality of the manure, chiefly town sewage, which is applied, and lastly by irrigation.

A common biennial rotation in the Pisa district and elsewhere is formed thus:—First year, maize; second year, wheat; followed by oats, barley, rye, or maize, cut, when green, for forage.

The triennial rotations usually adopted in Tuscany are:—First year, maize, or beans, or vetches, or sometimes fallow; second year, wheat; third year, wheat or oats.

Quadrennial rotations have long been practised.

In the Valdarno the system is:—First year, maize or beans; second year, wheat; third year, wheat; fourth year, rye. In the Azezzo country, the first two years' crops being as above, in the third year clover is grown together with oats, and in the fourth year wheat, followed, sometimes, by green crops.

In the neighbourhood of Pisa the course is sometimes:—First year, beans; second year, wheat; third year, vetches; fourth year, wheat.

A peculiar system is found in the Tuscan Maremma, where little or no manure is laid on the land.

The rotation is triennial, thus:—First year, fallow; second year, wheat; third year, pasture. Or quadrennial:—First year, fallow; second year, wheat; third year,

pasture; fourth year, pasture. Or quinquennial:—First year, fallow; second year, wheat; third year, pasture; fourth year, pasture; fifth year, pasture.

Speaking of Tuscany generally, Professor Cuppari says:—"We have no true rotation, the alternation of crops being quite arbitrary; and, moreover, green crops occupy a most insignificant position in it."

There are infinite varieties of rotation in the rest of Italy corresponding with the various conditions of climate, soil, industry, and population, and the different degrees of agricultural advancement.

They may be classed generally under two heads:—

(1.) Crops grown without irrigation.

(2.) Crops grown on irrigated soils.

(1.) One of the systems specially noticed under the first head is that which is followed in the Bologna and Cesena country; one year hemp and the next year wheat.

A rotation common to different parts of Italy is, maize one year, and wheat, followed by a second crop, the next year.

In the Roman Campagna, as well as in parts of Sicily, Apalia, and Calabria, a year of fallow is succeeded by one of wheat, and afterwards, one, two, three or more, years pasture. Fallow one year and wheat the next, make a biennial rotation very common in Sicily and Calabria. A crop of lupins or beans is frequently substituted for fallow.

In the district of Trapani in Sicily the following quinquennial rotation is in use. First year, wheat with "sulla" (*Onobrychis conferta*); second year, "sulla"; third year, wheat; fourth year, pulse or barley; fifth year, flax or wheat.

In the plains of Calabria there is a triennial course. First year, indian corn; second year, wheat; third year, lupins. Or, first year, Indian corn; second year, wheat; third year, wheat followed by what is called "sovercio," *i.e.*, a growth of plants of various descriptions to be ploughed into the soil when green as a fertilizing progress.

On the eastern side of the Apennines the rotation is generally managed thus: wheat is grown on half the land and it is followed by Indian corn, hemp, clover, pease, beans, vetches, &c.

In some places there is a triennial rotation with four crops, thus: first year, Indian corn; second year, wheat; third year, wheat, followed by Indian corn.

Two kinds of rotation are found in the district of Lomellina (Province of Pavia). 1. On arid soils: first year, kidney beans; second year, rye; third year, fallow. 2. On fertile soils: first year, indian corn; second year, wheat, with lupins to be ploughed in; third year, wheat; fourth year, lupins or vetches; fifth year, wheat; sixth year, wheat; seventh year, clover; eighth year, wheat.

(2.) Under the head of irrigated soils the following examples of rotation may be cited:—

At Pachino, in Sicily, first year, cotton; second year, cotton; third year, wheat; fourth year, grass ("prato spontaneo"); fifth year, pulse. In other places in Sicily: cotton, wheat; or, cotton, wheat, barley.

In the Province of Naples, first year, grasses as "sovercio," followed by cotton; second year, grasses as before, followed by hemp and Indian corn; third year, wheat and Indian corn: or, first year, "sovercio," and afterwards madder and Indian corn; second year, madder; third year, "sovercio," and then cotton. Where cotton is not grown there is a biennial rotation: first year, Indian corn or wheat; second year, wheat. Or, quadrennial: first year, Indian corn; second year, wheat; third year, hemp; fourth year, wheat. In the Lombard district of Lomellina we have first, second, and third years green crops; fourth year, Indian corn; fifth year, wheat or rye; sixth year, repetition of the previous year's crop.

In the Lodi country: first, second, and third years, green crops; fourth year, flax followed by millet, and sometimes by rape; fifth year, Indian corn; sixth year, wheat. The following examples may be given of rotations where rice is grown.

In the Vercelli country (Piedmont): first year, Indian corn and oats; second year, wheat raised with clover; third, fourth, and fifth years, rice. In the Somellina, first, second, and third years, rice; fourth year, Indian corn; fifth year, wheat or rye; sixth year, . On tenacious and wet soils, first, second, and third years, rice; fourth year, oats and clover; fifth year, clover; sixth year, clover; seventh, eighth, and ninth years, wheat. In some places, first year, wheat; second and third years, green crops; fourth, fifth, and sixth years, rice; or, first, second, and third years, rice; fourth year, on part of the land, wheat; on another part, oats; and on a third, Indian corn; fifth year, Indian corn where the wheat and oats were grown the previous year, and wheat where the Indian corn was grown; sixth year, green crops all over. Rice is sometimes grown in four successive years instead of three, the rest of the rotation remaining unchanged.

It is to be observed that, generally speaking, the rotation of crops is most regular

on very large farms, where simplicity and uniformity of cultivation are desirable; and on very small ones, where the land must be made constantly to yield the quantity and description of produce which the small proprietor or occupier requires for his subsistence. On farms of a medium extent, especially if occupied on the "mezzeria" system, crops are raised without regard to rule. The longest rotations are to be found on large farms and the shortest on small ones. Thus the large Lombard farms of 1,000 or 1,200 acres have rotations of five, six, seven, or eight years, while the practice of the small cultivators of Lucca is to repeat the same crops year after year. Fallows are confined to thinly populated or mountainous regions, crops of Indian corn, principally, being now substituted for them in Northern and Central Italy, and of cotton or beans, &c., in the South.

Great use is made of the spade and the mattock, especially in those regions where the cultivation of the vine, the olive, fruit trees, &c., predominates. In Southern Italy and in Tuscany, the common plough, which can hardly be said to differ from the Roman "aratrum," is an imperfect instrument and is turned to little account. Crossing the Appenines and descending into the great Lombard plain, we find a more powerful plough employed as the principle implement of agriculture, but farther north spade husbandry again becomes the rule. Of other implements there is, in general, a great deficiency. In many districts even the harrow is unknown.

In Italy, considered as a whole, the land is scantily manured. Farm yard manure is employed less in the south than in the north where it is more abundant owing to the greater number of beasts kept in the stable. The use of "soverci" (beans, rue, lupins, in some places clover, &c., ploughed into the soil) is common to all parts of Italy. The Lucchese cultivators lay on their fields as manure, weeds and mud extracted from lakes and ditches. Town sewage is also employed very largely by them: in the rest of Italy, with the exception of some parts of Tuscany and Lombardy, it appears to be neglected. The application of lupin seed is met with everywhere; that of oil-cake, feathers, woollen rags, &c., chiefly in the Bologna country, and on the large farms in Lombardy, where guano also has latterly been introduced.

Great advantage is derived from irrigation in Lombardy, Sicily, and the little territory of Lucca. This cannot be said of the rest of Tuscany; where, on the other hand, much labour and ingenuity have been devoted to drainage. Important works have in different places been executed for that purpose, and among the contrivances resorted to for carrying water off the land, that which is called "colmata" seems particularly to deserve notice. It is the artificial elevation of the soil, effected—when the operation is performed on a large scale—by the deposit of earth brought down by streams.

The cultivation of the vine, which is very general, is most carefully attended to in Sicily. The most extensive olive plantations are found in Calabria and Sicily, but the best oil is made in Liguria and Lucca, as well as other parts of Tuscany. Mulberry-trees, for silk-worm breeding, are grown principally north of the Po: they abound also in Calabria and the Province of Messina. Chestnut-trees are planted in the mountainous regions throughout Italy, but they are treated with little care. Oranges, lemons, &c., are produced in greatest abundance in Sicily and Calabria, about Sorrento, and near Genoa. Of herbaceous plants those most extensively grown are wheat and Indian corn. The production of potatoes and turnips is very limited. Hemp is cultivated with success in the Bologna country chiefly. The richest meadows in Europe are, it is believed, those of Lombardy. On the other hand, where there is no irrigation, green crops are scarce.

The learned professor from whose work these summary notices have been gathered, arrives at the conclusion that Italian agriculture is not in so backward a state as many persons have declared it to be, and he maintains that in some respects, as in irrigated meadows, hemp cultivation, olive production, &c., it is superior to that of other countries.

In his remarks upon the agriculture of Tuscany in particular, he says that little attention is paid to conditions of climate and soil, the same crops being grown almost everywhere and in the same manner. Indian corn, vines, and wheat, are frequently raised on soils that are not adapted to their cultivation, an inconvenient practice which he attributes chiefly to the system of "mezzeria" and partly also to the great division of property, both occupiers and small proprietors being desirous to get out of the land what they want for their own consumption.

He declares it to be irrational to apply the same mode of cultivation to the hills as to the plain, and remarks thereupon . . . . . "At present in the greater part of the hill country, the 'mezzeria' system is struggling against impossibility. This is shown by the economical results which are equally disastrous to both of the parties

interested, the landlord and the tenant ('colono'), the former being obliged to spend the greater part of his moiety of the produce in providing for the necessities of the latter, whose share does not suffice for his support," &c.

The professor ends his observations thus:—"From this rapid glance you will easily perceive how far from its zenith our (*i.e.*, Tuscan) agriculture still is; and you will not agree with those who as they drive along the high road from Pisa to Florence exclaim, 'This is a garden!' . . . . . Let them turn of the road and when they have gone a mile, or even a few hundred yards the enchantment will be dispelled. Tuscany, considered as a whole, is far advanced in many branches of agricultural industry and can offer excellent examples for imitation, but this is not the case in every respect or in every part of the country."

Accurate information respecting Venetia seems to be unattainable; but there is sufficient evidence to show that its agricultural condition is far from satisfactory.

The author of a recent work on this part of Italy ("Saggi Statistici ed Economici sul Veneto di Emilio Morpurgo, Deputato al Parlamento") deplores the extreme difficulty of arriving at any certain knowledge of facts. He is, however, able to perceive that, except in some isolated cases, Venetian agriculture makes no progress. All Reports of Chambers of Commerce, he says, and all books written on this subject, agree in lamenting the tenacious adherence to a system of cultivation which precludes the possibility of increase of production. They all dwell upon the excess of cereals, the deficiency of green crops, and the want of good methods of rotation. Wheat and Indian corn are always grown in preference to anything else; hemp and rice in particular districts are rare exceptions to the general rule. It must be admitted, he observes in another place, that Venetia is to a great extent a poorly cultivated country. The produce of the soil may be a little larger now than it was in a remote age, but there is no indication of any decided improvement in agriculture. No national direction is given to it, and where there should be progress, habits are perpetuated from father to son. This state of things the author attributes to want of instruction, want of capital, want of enterprise, and to the uncertain, improvident, and onerous conditions of land occupation.

The following statement is taken from some notes obligingly made by an eminent Professor of Agriculture on the Province of Udine, and portions of the Provinces of Treviso and Venice:—

"The small proprietors cultivate their own land together with the land they rent. Near the villages corn is principally grown, with intersecting rows of mulberry-trees and vines. Between one village and another lies the permanent meadows ("prati stabili") from which only one crop of hay a year is obtained. The soil produces wheat, Indian corn, millet, cut green for fodder, a little lucern, and less clover, besides hay. Wine and silk are also among the productions of the country.

There is no regular or systematic rotation of crops. Generally, two years of wheat are followed by one of Indian corn. The land is but slightly manured. The proportion of artificial meadows, which do not follow any regular order, is quite inadequate.

A gentleman, well acquainted with the agriculture of Lombardy, gives the following account of the mode of cultivation in that part of Italy:—

"Cereals of all kinds can be grown, but in the upper plain the most important crops are wheat and Indian corn, rye and millet being next in order. The cultivation of potatoes is always on the increase. Fodder is scarce. The rotation of crops in this part of Lombardy is open to censure, being a continual alternation of cereals. The farmer having to pay a fixed rent in wheat, is obliged to devote nearly two-thirds of the land he occupies to that crop, clover being sown with the wheat. Indian corn, with kidney beans, is grown on about another third, and a little flax or hemp is raised on the small remaining portion of land. This order is inverted the following year, or, at any rate, wheat is not grown on the same field more than two years in succession.

"The spade is generally used instead of the plough, and the earth is by that means more perfectly broken up; but this advantage is obtained at the expense of a great increase of labour, one man being able to plough a hectare (nearly $2\frac{1}{2}$ acres) of tenacious land in a day, whereas he cannot turn up with a spade more than a twentieth part of it in the same time. There is a scarcity of beasts for labour in Upper Lombardy. Every cultivator keeps a cow, and, if he is well off, an ox or two for the sake of manure.

"The system of cultivation in Lower Lombardy, where large estates exist, and the land is let in large farms, is entirely different from that which prevails in the upper plain, where, on the contrary, property is greatly divided.

"In the lower region, besides the cereals raised in the upper country, rice is grown

either continuously or in rotation, and there are meadows either permanent or temporary. The permanent rice grounds are not manured, as the marshy vegetation in the winter serves the same purpose. Manual labour with the spade is employed upon them. There are two kinds of permanent meadows, those which are irrigated only in the summer from time to time at intervals of a week or a fortnight, and those which are kept constantly irrigated even during the winter so as to give an abundant supply of grass for the cows all the year round.

"The rest of the land, which is neither permanent meadow nor permanent rice-ground, is cultivated in this manner. In the Lodi country, where the soil cannot be ploughed to a greater depth than about eight inches, it is not possible to grow rice, and there is generally a succession of green crops for three years; in the fourth year flax followed by millet; in the fifth year Indian corn; and in the sixth year, wheat with a spontaneous and simultaneous growth of *Trifolium refens*

"In other parts of Lower Lombardy there is a triennial rotation; three years, rice; three years, cereals, as Indian corn, oats, coluza, rye or wheat; and three years. green crops."

A very complete and detailed account of the agricultural system of Lombardy, as well as that of Piedmont, will be found in M. Colnaghi's separate Report.

A Memorandum, drawn up by the Director of a Technical Institution at Naples, and kindly communicated to Her Majesty's Mission by the Minister of Agriculture, Industry, and Commerce, contains the following observations on the method of cultivation, &c., in the southern continental provinces:—

"Wheat, barley, oats, rye, and Indian corn are the cereals grown.

"Wheat is generally grown once in two years on the same land, a triennial rotation being more, and it follows Indian corn, or hemp, or flax, or some kind of pulse, as beans, &c. After wheat there is a crop of rye, oats, or barley. There are various modes of cultivation, which depend upon the hydrological conditions of the soil. Wheat is usually sown broadcast. It is preceded by a 'sovescio' of beans, lupins, or turnips, mixed with other plants.

"Reaping is done by hand, but machines for that purpose are being introduced. In small farms the corn is threshed by men; in large ones the operation is performed by the trampling of horses or oxen. The introduction of and the demand for threshing machines are deserving of notice.

"Indian corn usually comes after a green fallow. It is sown in April and in May, or after a crop of hemp, flax, wheat, &c., in deep and wet soils.

"A nomadic system of pasturage has hitherto prevailed. In the winter cattle and sheep are kept in the natural meadows of the plains, and in summer they are sent to graze on the mountains, being often driven for that purpose to a great distance from one province to another. The raising of one or two head of horned cattle is very common, and it is found profitable, the expense of keeping the beasts, that are fed on the remains of crops, being small."

A few notes made by Mr. Vice-Consul Oates, of Girgenti, and communicated by the late Mr. Goodwin, may be added:—

"The crops raised are corn, pulse, cotton, vines. The first year is employed in manuring the land and sowing beans and other pulse; the second year produces wheat; the third year, barley. This rotation produces a very good result, the average being that 1 salm (1 imperial quarter) produces 12 salms of corn, and sometimes, on smaller properties, which are better cultivated, 1 salm will produce from 20 to 24 salms. Some farmers will cultivate the land as follows:—First year, wheat; second year, wheat; third year, barley; fourth year, ploughing the field three times without sowing at all, or sometimes planting beans. Some properties are wholly given up to the cultivation of vines, others to that of cotton, and others to that of sumach.

"In general mules are preferred to cattle, the former being more useful in carrying corn and other produce to town, roads being wanting. Small proprietors keep from three to four oxen or cows; some keep one bull and a few cows. The cattle are pastured in the day on grass, 'giummara,' wild palms which are very abundant: at night they are kept in stables and fed on hay, straw, and beans."

It may be useful to insert some statements which have been received from Bologna, Ferrara, and Reggio (Emilia):—

"*Bologna.*—In the best cultivated part of the plain the rotation is biennial, wheat and hemp. In the less fertile parts, and on the hills, the rotation is wheat, Indian corn, and other spring crops. Agriculturists are beginning to introduce into the rotation sainfoin, lucern, and biennial clover. The marsh lands are cultivated with rice. The rice fields are permanent, except when the exhaustion of the land makes it

necessary to let them lie fallow. There are few natural meadows, and they are often like marshes. The proportion of tillage to grass-land is as 5 to 1.

Ferrara.—The products are wheat, hemp, Indian corn, grapes, rice, and fodder. Vegetables and fruit are not abundant. The rotation is biennial. Wheat is grown on one-half of the land; hemp on four-fifths of the other half; and Indian corn on the remainder. The rice-fields are permanent. They form a very small portion of the country. Stock are raised in the stable, or sent out to pasture, according to the season. One-third of the cultivated soil, exclusive of the marshes, which yield a coarse fodder, may be reckoned as grass-land, either natural or artificial, and two-thirds as tillage.

Reggio (Emilia).—The principal products are wheat, Indian corn, wine, chestnuts, rice, and silk. The rotation is biennial: 1, wheat; 2, Indian corn, with spring crops. In the plain stock are raised in the stable, and tolerably well fed on hay from the irrigated or artificial meadows. On the mountain land cattle are bred on poor, natural pastures; they are ill-fed in winter, and afford small profit. The proportion of irrigated meadows to tillage land, is as 1 to 17, that of grass generally to tillage, is as 1 in 12.

With respect to the proportion borne by the number of live stock to the extent of a farm, the following data are given in the "Agriculturist's Handbook," already cited. On a large farm of 500 hectares (nearly 1,250 acres), in Piedmont or Lombardy (Vercelli and Lomellina), about 150 head (horned cattle or horses), or 1 in $3\frac{1}{2}$ hectares, from 18 to 20 yoke of oxen, and 12 horses being used for labour. On a "mezzeria" farm, near Pisa, of 10 hectares (about 25 acres), 8 head, mostly cows for breeding, for milk, and for labour; and where oxen are employed, 1 yoke per 12 hectares. On a farm near Bologna, of 16 hectares, occupied in the same manner, 3 yoke of oxen. For different parts of Tuscany the calculation varies: thus, in portions of the Maremma, where land is given up to pasture for two or three years consecutively, the average rate is 1 beast per 4 hectares. In the Siena-Volterra country, where fallows take the place of pasture, it is 1 per 2 hectares; in the valley of the Arno, where the land never lies fallow, 1 in $1\frac{1}{3}$ hectare; and in the Lucca country, where two crops of corn are raised every year, and consequently a great quantity of manure is required, there is 1 per hectare.

As a general rule in Tuscany, stock are kept in the stable, grazing being rare, except in the Maremma district.

In the Venetian provinces before referred to, it is stated that cattle are raised solely for draught. Oxen are rarely put out to pasture, and are generally fed on meadow hay. Cows are also used for draught.

All that can be said concerning the raising of stock on small properties in particular, will be found in Mr. Colnaghi's Report on Piedmont and Lombardy.

8. Very little machinery is employed as a substitute for, and in aid of, manual labour. Threshing and reaping-machines have been introduced in some places.

According to the census returns of 1861, 34·97 per cent. of the total agricultural population belonged to the class of day-labourers ("agricoltori giornalieri"), which comprised 2,695,977 persons—1,744,332 males and 951,645 females; 1,135,540, or nearly one-half of the entire number of labourers, were in the Neapolitan provinces. In Sicily there were 376,739; in Piedmont and Liguria, 348,791; in Lombardy, 319,953. The proportion of this class to the local agricultural population, is largest in Sicily, where it is 66·78 per cent.; in Parma and in Piacenza, 49·81 per cent.; and in the Neapolitan provinces, 44·20 per cent. It is smallest in Sardinia, 2·32 per cent.; in the Marches, 14·64 per cent.; and in Tuscany, 19·91 per cent.

These labourers are sometimes engaged for a year; but they are generally hired by the day, and their existence is altogether precarious. The Director of the Statistical Department, in his Report on the Census, represents their condition as a very pitiable one. He says, that there cannot be a more painful spectacle than that which is witnessed every day in a village market-place, of groups of labourers waiting to be hired, and having to undergo an inspection, which he compares to the examination of negroes by a slave-dealer.

Under the head of "Agricoltori Coloni," we find an exceedingly vague category of occupiers of small holdings on all sorts of conditions, one of which is usually the contribution of a certain amount of labour at a fixed rate of remuneration: 319,457 of such "coloni" are enumerated.

Another class, which is still less capable of definition, includes, under the designation of "contadini," or peasants, 1,422,432 persons—834,115 males, and 588,317 females—many of whom are probably occasional labourers. It is supposed that some of them may be small proprietors, who, after tilling their own little plots of land, go out to work elsewhere.

To which of these classes are assigned the regular farm servants, hinds, or ploughmen, called variously, "boari, bifolchi, famigli da spesa," &c., who are found in different parts of the country, does not appear.

With such elements as these, any calculation of the average number of hired labourers per acre in Italy would be vain; and it must be borne in mind that there are some districts in which they find no employment—others where it is only occasional and subsidiary—the occupiers being the actual tillers of the land.

The following replies to questions respecting agricultural labourers, have been received from different parts of Italy:—

Lombardy.—In the upper plain there are, properly speaking, no hired labourers. The peasants who cultivate the land, the produce of which they share with the owner, or for which they pay rent in wheat, are obliged to do certain necessary work for the landlord at a fixed rate of 50 centimes a-day in summer, or 35 centimes in winter. What they earn in this way, is not paid at once, but the amount is put is put to their credit in the general account. In the lower plain, on the other hand, there are labourers who receive regular wages in money at different rates, according to the nature of their work, and, further, a share of the produce of Indian corn and rice, in the cultivation of which their families may have been employed. Wages range from 1 franc to 1 franc 50 centimes a-day, with board; and from 1 franc 20 centimes to 2 francs, without board.

Venetia (*Eastern Part*).—Neither the small proprietors, nor the tenant-farmers ever employ any labourers. On large estates, farmed by the owners themselves, labourers are employed in the proportion of 1 to 6 hectares (about 15 acres), in addition to the tenants who are bound by the terms of their leases to give so many days' work at a reduced rate. Occasional labourers are paid are paid at the rate of 85 centimes a-day in winter, and 1 franc 60 centimes in summer, except at harvest time, when it rises above 2 francs. Tenants ("coloni affittavoli"), receive for their stipulated labour about two-thirds less than these rates. Women in all cases are paid one-third less than men. Labourers, as a rule, are not fed, with the exception, however, of reapers and persons employed in wine-making, who have food to the value of 80 centimes a-day, besides their wages.

The average rates of wages for the whole of the Venetian Provinces where, according to the work already cited (Morpurgo, "Saggi," &c.), the agricultural labourers are in a state of extreme misery, seem to be lower than those stated above.

Ferrana.—"The real agricultural labourer is the 'boaro,' who is hired by the year. He tends the cattle, makes the cheese, and is ploughman and carter. His family is paid for work done with a share of the produce, according to the agreement. In some seasons when extra help is required day-labourers are called in who are paid by the day or more frequently by the job. On an average there are two labourers (not including children and old men) per hectare. Women are employed in harvest work, hay-making, preparing hemp, &c., nearly in the same proportion as men. The wages of an occasional labourer are from 1 franc 50 centimes to 2 francs a day. Those of labourers living on the farm are, for extra work, 1 franc for men and 60 centimes for women."

Bologna.—"Many day labourers are employed. Their wages are, for men, from 1 franc to 1 franc 80 centimes; for women, from 80 centimes to 1 franc 20 centimes. When food is given, exceptionally, a man's wages are from 80 centimes to 1 franc."

Reggio.—"The small proprietors employ very few labourers. The average rates of wages are 97 centimes a day for men, and 65 centimes for women; or with board and lodging, 45 centimes for the former and 25 centimes for the latter. One-fourth of the persons employed in ordinary kinds of cultivation are women; in the rice fields, one-half."

Modena.—Average wages, for men, 1 franc 20 centimes, and for women, 60 centimes a day.

It may not be out of place to give the substance of a few passages relating to the condition of the agricultural labourer which are to be found in the Report of the Royal Commission appointed last year to inquire into the causes of the grist tax disturbances in the provinces of Parma, Reggio, Modena, and Bologna.

"In Parma," the Report says, "a farm servant or hind who lives upon the farm, is paid in kind with the addition of a little money, the whole being reckoned at 400 or 450 francs, for a family consisting of a man, a women, and two children. A labourer who has an agreement with his employer is sure not to lose a day's work except when it rains, but he gets only his regular daily wages which may be as low as 60 centimes, and never come up to a franc. At the best he can keep a pig, raise some 10 kilo-

grammes of cocoons, and grows millet on an acre of ground, half the produce going to the landlord. Descending still lower we come to the chance labourer. Wages vary according to the season of the year, as well as the sex and age of the persons employed; but it may be calculated that the family of a man, a woman and a boy, can together earn in the course of a year about 300 francs, out of which the old people and the little children must be supported. Some persons maintain that there has been an increase of one-sixth in wages, but this is denied by others . . . . House rent has risen to that extent . . . . . It is no wonder, then, that the consumption of millet which formerly was to that of wheat as 3 to 1 should now be in the proportion of 5 to 1; that in some communes eight-ninths or even nine-tenths of the food of the people should consist of Indian corn, and that the "pellagra" (a singular disease very prevalent among the peasantry in Northern and Central Italy*) should be spreading to a deplorable extent."

Further on, after speaking of the misery of the cultivators (occupiers) of the soil, and the consequent impoverishment of the landowners in the Provinces of Reggio and Modena, the Report observed that the able-bodied labourers finding no work are obliged to emigrate, leaving their children, their wives, and the old people. It adds that the price of labour, which was extraordinarily high during the three years 1856, 1857, 1858, owing to the construction of the railway, is now so low that it hardly enables a man to procure the necessaries of life.

This Report shows that the greatest distress has for some time past prevailed among all classes of the rural population in the three provinces above-mentioned, but of the condition of Bologna, it gives a much more favourable account.

Neopolitan Provinces.—Mr. Bonham reckons one man for 6 acres on large farms, the average rate of wages being from 1 franc to 1 franc 50 centimes a day for men, and from 50 to 60 centimes for women.

The memorandum before referred to gives an entirely different calculation. It says, "Four men, and according to the nature of the cultivation, one or two women are required on an average for every hectare (nearly 2½ acres). The average rate of wages is, for a man 1 franc 30 centimes, and for a woman 60 centimes a day. The labourers live with their masters."

I am informed by a gentleman who has devoted himself to the study of questions of this kind that, in some of the southern provinces, Calabria, Molise, and Basilicata, the daily wages of a labouring man are as low as 50 centimes.

Sicily.—From the Report of a Committee of the Chamber of Deputies in 1867, it appears that agricultural labourers in the Province of Palermo were then receiving from 1 franc 70 centimes to 2 francs 55 centimes (1*s.* 4*d.* to 2*s.*)

The late Mr. Goodwin reckoned the average rate of wages in Sicily last year as equivalent to 1*s.* or 1*s.* 2*d.* Mr. Oates, Her Majesty's Vice Consul at Girgenti, states that at harvest time in that part of the island a labourer is paid from 3*s.* 4*d.* to 4*s.* a day; the usual rate at other times being equivalent to 1*s.* 4*d.*

It should be observed that the rural population of Sicily is comparatively small. Only 23·6 per cent. of the total population were declared in 1861 to be occupied in agricultural industry, the proportion in the whole kingdom of Italy being 35·4 per cent. Moreover, of the persons so described as being occupied in agriculture no less than 45·30 per cent. were agglomerated in towns of 6,000 inhabitants and upwards, against 2 per cent. in Piedmont, 1·64 in Lombardy, 1·45 in Tuscany, and 10·08 per cent. in the whole kingdom. Large tract of country are, owing, it is said, to unhealthiness, and possibly also to traditional insecurity, almost entirely uninhabited, and a peasant frequently lives at a considerable distance from the land on which he has to work.

In the greater part of Tuscany where, as it has already been explained, the produce of the soil is divided, as a rule, between the owner and the occupier, the actual work of cultivation is done by that occupier and his family, and it is only when there is a deficiency of hands that he hires extra labour. A man is sometimes engaged by the year. He lives with the occupier's family, and receives besides board and clothing, from 100 to 150 francs. I am told also that the daily wages of an occasional labourer do not exceed 1 franc. Women may earn at the rate of 80 centimes, but they are rarely employed by the day.

Professor Cappari in his "Manuale dell' Agricoltore" gives the following estimate of the expense of keeping a labouring man on a model farm:—

* Outwardly, this disease resembles elephantiasis. It affects the mind, and generally proves fatal.

	Fr. c.	Fr. c.
Food for a year—		
Wheat and Indian corn, 4 hectolitres (1 quarter 3 bushels); beans, 20 litres	70 0	
Meat, salt fish, cheese, &c.	20 0	
Salt	2 50	
Oil	6 0	
Wine	20 0	
		118 50
Clothing—		
Shoes	9 24	
2 pairs of trousers	8 40	
Waistcoat	1 68	
Jacket	5 88	
2 hats	1 68	
2 shirts	8 40	
2 pairs of stockings	1 68	
		36 96
Furniture, &c.—		
Bedding	9 0	
Towels, &c.	2 50	
Table and chairs	1 0	
Kitchen utensils	3 0	
		15 50
Light	2 0	
Fire	11 0	
		13 0
Lodging		12 0
Sundries—		
Recreation, medical attendance, &c.		10 0
		207 96
Wages		90 0
Total		297 96

The subjoined data concerning the employment of labour in different places and under different circumstances, are also extracted from the same useful work.

1. Large farm of 508 hectares (about 1,255 acres) in the plain of Vercelli (Piedmont): labouring people, 39 families, each composed of one or two men, as many women, and some children; the aggregate number of working men being about 50. There are besides four men who attend to the irrigation, a store-keeper, a watchman, a bailiff and an under bailiff. Each family has, rent free, a house and a bit of garden. The men receive regular wages, the other members of the family are paid when employed from time to time. A woman gets 40 centimes for a day's work.

A man's wages are 90 francs a year. He has, besides Indian corn, rye, rice, &c., to the amount of 8·40 hectolitres (about 2 quarters 5 bushels) reckoned at the value of 90 francs, 600 faggots valued at 30 francs, and further a portion, supposed to be equivalent to 100 francs, of the produce in Indian corn of a hectare of land which is cultivated in part by his family. His house and garden together with various little advantages may be considered as representing 90 francs more, which added to the other items make an aggregate remuneration equal to 400 francs. Extra labourers are wanted occasionally; they are paid 75 centimes a day in winter, 1 franc in other seasons, except during harvest when they earn 2 francs.

2. Large farm of 312 hectares, near Grosseto (Tuscan Maremma), in the hands of the owner or let to a tenant. Only four men are regularly kept. Owing to the prevalence of malaria in the summer, the country is deserted and farm work is suspended from July to November. Migratory labourers come in the winter from Lucca and other parts.

3. Little farm of 2½ hectares (about 6¼ acres) in the Brianza district of Lombardy, cultivated by the occupier and his family, eight persons in all; conditions of holding partly corn rent, and partly division of produce.

4. Farm of 16 hectares in the plain of Bologna occupied and cultivated on "mezzeria" system by a family of twelve or fourteen persons. Extra labourers hired occasionally.

5. "Mezzeria" holdings in Tuscany:—

Farm in the plain of Pisa, extent 12 hectares (rather more than 29½ acres); occupier's family, twelve persons, including three or four men fit for work, extra labour taken for harvest, &c.

Farm in the Val di Nievole, 12 hectares; family of twelve persons.

Farm in Chianti hill country, extent 20 hectares (49½ acres), one-half cultivated and the other half woodland; occupier's family from seven to ten persons.

One person per hectare appears to be the average on "mezzeria" farms of a medium size. On very small ones the proportion is larger.

9. Under the head of "Periodical Emigration" the Census Report enumerates 43,794 persons as emigrants to foreign countries who regularly depart from and return to Italy at certain times of the year. Of these so called emigrants, 21,055, or not quite half, are described as belonging to the agricultural classes, 13,442 being field labourers. But as to the true emigration, a term which cannot properly be applied to this sort of temporary wandering, of this or of any other class, statistics are wanting. In a notice published by Professor Virgilio at Genoa in 1868 ("Delle Migrazione Transatlantiche degli Italiani, Cenni Economico-Statistici"), the total number of emigrants from Italy by sea was reckoned at about 20,000. Many others it is said pass through Switzerland and go to Antwerp, Ostend, or some French port where they embark.

In the Chamber of Deputies on the 30th of January, 1868, the attention of the Government was drawn to the lamentable increase of emigration by a Lombard Deputy who declared that great numbers of citizens were being driven out of the country by hunger. Whole families he said were departing, half the inhabitants of some communes had emigrated, and if the movement continued at the same rate, there would not be men enough left for the cultivation of the soil.

The President of the Council, who did not deny the facts alleged, addressed an exhortation to landowners and manufacturers, that they should endeavour to give the labouring classes the means of earning a proper livelihood, otherwise he said it was clear that they would emigrate.

Signor Castagnola, Deputy for Chiavari, near Genoa, the present Minister of Agriculture, &c., described the emigrants from Liguria as people in rags, poor peasants, who left the country because the ungrateful soil refused them sustenance. They went to South America, where by dint of hard work they acquired wealth, and as soon as they had done so they returned home.

Whatever may be the extent of the emigration of agricultural labourers, the existence of the misery which has been declared to be its principal cause can hardly be doubted. The evidence of their deplorable condition, which is to be found in the Report on the Census, the Report of the Royal Commission of 1869 in the Emilian Provinces, and Signor Morpurgo's work on Venetia has already been recorded. Further testimony may be adduced. In the well known Report of the Committee of the Chamber of Deputies on brigandage in 1863, the wretchedness of the rural population of many of the southern provinces was pronounced to be the primary cause of that evil. Professor Virgilio in his work above cited says, "Except in the principal towns and a few centres of industry, working men in general, and agricultural labourers in particular, are so miserably paid that they cannot even procure wholesome and sufficient nourishment." Another writer tells us that a peasant in the south can hardly get his daily food, which consists of onions, potatoes "polenta" beans, and cheese; that his habitation is more like the den of a beast than a human dwelling, and that his clothing is nothing but a filthy heap of rags. A work of authority which was published at Milan last year ("Della Caritá Preventiva e dell'Ordinamento delle Società di Mutuo Soccorso in Italia di Enrico Fano") may also be consulted on this subject. Nothing can be more dismal than the picture it gives of the state of the peasantry throughout Italy.

The above reply had been already written when the following particulars, for which I am indebted to Mr. Brown, Her Majesty's Consul at Genoa, were received. The total number of emigrants from that port, almost all to Monte Video or Buenos Ayres, was, in 1868, 15,326, and in 1869, 19,448. Nearly the whole belonged to the agricultural class. Of those who embarked in 1868, 1770 were of the Province of Genoa. The majority of the rest came from Lombardy and Venetia, but there were some from every part of the kingdom, Naples and Sicily even not excepted.

10. In some districts it appears that small proprietors who cultivate their own land generally live on their properties; in others, on the contrary, they are said to live in neighbouring villages or towns.

11. Generalization would be vain respecting the mode of living in this class, distributed as it is throughout a country which extends over ten degrees of latitude, a space about equivalent to that between Venice and Copenhagen, Dover and Barcelona, or the Lizard Point and the Shetland Islands, and which, little more than ten years ago, was split into seven distinct States, different in their laws, their traditions, and the degree of their civilization.

The peasant who owns and tries to cultivate a patch of barren land on a rugged mountain side or in a sunless Alpine valley near Aosta or Sondrio, can hardly lead

the same sort of existence as one who possesses a bit of orange garden near Messina or in the "golden shell" of Palermo; and there is probably no greater resemblance between the small proprietor in the neighbourhood of the baths of Lucca and the small proprietor in Calabria than between the farmer of Kent and the farmer of Connaught.

I have had no opportunities of making myself acquainted with the condition of this portion of the peasantry in the several parts of Italy by personal observation, and the information on the subject, which I derive from various sources, is very scanty.

In one district I am told:—"The small proprietors (who are likewise tenants of farms belonging to larger landowners) live and dress like simple peasants. They either reside in the farm-houses, which are incommodious and dirty, or in their own cottages, roughly built of wood, straw, and but little stone. Their food consists of Indian corn bread and polenta, vegetables, a little pork, and a small quantity of wine. The greater number of them are in debt to their landlords for portions of rent. They possess however, cattle and implements of husbandry, and a few of them have even a little stock of money."

In another part of the country it is stated that "the proprietor who cultivates his own land lives and is clothed poorly. He inhabits a modest cottage in the plain or a cabin on the mountain."

Elsewhere the account given is that "their food is excellent, their clothes good and often elegant, their houses healthy, solid, and commodious."

An informant in a different place remarks that "small proprietors as such would have difficulty in making both ends meet did they not generally exercise a profession by which they maintain themselves in comfort."

12. The superficial extent of the Kingdom of Italy without Venetia, as computed by the Statistical Department from somewhat uncertain elements, is 259,320·31 square kilometres, and the number of small proprietors, according to the census Returns of 1861, is 1,264,753. Consequently, the average is, approximatively, one small proprietor to about 50¾ acres. Venetia must be excluded from the calculation, because there is no indication of the number of small proprietors in that part of Italy.

There are no means of ascertaining the annual rate of increase in the population among this class as compared with the urban population in Italy and the annual rate of increase in other countries.

It should be remarked that, of the total number of 1,264,753 persons described as small proprietors who cultivated their own land (by which expression we must understand those who bestowed their own labour upon its cultivation) 496,336 were females.

(B.)—Tenants and Sub-Tenants under Landlords.

In order to avoid constant confusion and tedious repetition, it seems advisable before answering *seriatim* the queries under this head, to give a separate account of the system of division in various proportions of expenses and produce between owners and occupiers, which is known by the general designation of "colonia parziaria," and more particularly by the name of "mezzeria" or "mezzadria," ("mezzeria" is the word used in Tuscany; in Sicily it becomes "metateria"), where the respective shares are equal, or are supposed to be so.

A chapter of the Civil Code is devoted to agreements of this nature.

It provides generally—

That any accidental loss of produce is to be borne in common by owner and occupier.

That the occupier cannot sublet or assign his holding unless expressly authorized to do so.

That the agreement, in whatever way made, does not expire until notice is given by either of the parties at the customary time.

That legal proceedings may, however, be instituted at any time to obtain the cancelling of the agreement on sufficient grounds, such as breach of covenant on the part of either owner or occupier, the inability of the occupier from constant illness to cultivate the farm, or others of a similar nature.

That after the death of the occupier the agreement ceases at the end of the current year, unless his death takes place within the last four months of the year, in which case the sons or other heirs of the deceased who lived with him, are entitled to continue in occupation during the following year, the widow having the same right in default of such heirs.

That in all other respects local custom is to be followed when there is no express covenant.

The Code then lays down the rules which are to be observed in the absence of both custom and covenant.

It is unnecessary, however to give them here.

In Tuscany, where the most perfect form of "mezzeria" is to be found, the general practice seems to be as follows :—

The agreement is made for one year, beginning on the 1st of March, but unless due notice of his intention to terminate it be given by either of the parties it runs on from year to year.

Such notice must be given before the 1st of December.

The landlord hands over to the tenant (called indiscriminately "colono," "mezzainolo," or "lavoratore"), the land already bought into cultivation with a house and buildings, &c., live stock, manure, hay, and straw, seed (sometimes), and the principal agricultural implements, &c., the smaller instruments, such as spades, hoes, pickaxes, &c., being found by the latter.

The landlord keeps the buildings in repair, pays all taxes on the property, provides the livestock that may be required, and bears the expense of permanent improvements.

The occupier is bound to cultivate the land according to known rules, and in conformity with the intentions of the landlord; to do the work required every year for planting vines, to clear the ditches, drains, &c., and keep them in good order; to carry farm produce to the landlord's house or the bailiff's premises.

He is paid for any extra work that he may be called upon to do.

He cannot, without authority from his landlord, cut trees, begin the vintage, cut or thresh the corn, sell or buy livestock, or use the cattle for any purpose unconnected with farm work.

He is prohibited from holding on lease, or cultivating land belonging to another proprietor, and neither he nor any other member of his family is allowed to work anywhere but on the farm they occupy.

They may not engage in trade.

Without the consent of the landlord the number of persons composing the family must neither be increased by marriage or the admission of strangers, nor diminished by the removal of any of its male members.

In case of the death of the head of the family, the landlord can put in his place any other member of the family whom he may consider as the most competent to direct their affairs.

With the exception of manual labour, which the occupier is obliged to supply, the annual expenses of cultivation are, as a rule, borne by both parties alike (in some places, however, the seed for wheat is found by the occupier). The produce of the soil, except such as is required for the food of cattle, &c., is also divided equally, and although the live stock forms part of the landlord's capital, the profit or loss by its increase or decrease is likewise shared between him and his tenant.

The landlord receives, however, over and above his portion of wine and oil a certain quantity for the use of his oats, presses, &c., in making them; and further, the tenant pays him sundry dues in the shape of poultry, eggs, ham, fruit, &c., as a return for the advantage of keeping fowls, pigs, &c., on the farm.

It is customary for the landlord to advance, though there does not seem to be any legal obligation on him to do so, to the tenant what is necessary for the support of his family, and the accounts showing such advances, as well as the amount to which he may be entitled for extra work or share of profit, are balanced every year. But it will shortly appear that a settlement is not very easily effected, the debt of the tenant to his landlord having, on the contrary, a tendency to go on increasing year after year.

Notice having been given or received by the occupier at the period prescribed by law—that is to say in the month of November after the first corn has been sown—he must leave his holding before the 1st of March, and during the interval he is not allowed to do anything beyond gathering what is ripe.

The valuation which was made of the live stock, implements of husbandry, hay, and straw manure, plants, &c., on his taking possession of them, is renewed when he delivers them up and he pays or receives half the difference, decrease or increase, that is ascertained in the value.

The outgoing tenant, being entitled to receive a moiety of the crop of corn sown before notice was given of the termination of the agreement, has a right to return at harvest time to get it in, and the new tenant is bound to allow him all reasonable facility for that purpose.

These rules are observed under ordinary circumstances, but an agreement is always liable to be cancelled at any season by judicial sentence, on due cause being shown.

The conditions stated above, besides others which are omitted, are, as I understand, those generally adhered to. There are particular local usages, however, and it is to be observed that owners and occupiers are entirely free to make what covenants they please.

Some persons believe that the Tuscan "mezzainolo" enjoys what is called a virtual fixity of tenure. This is a mistake. It is true that cases of undisturbed occupation during many years are very common and that there are farms which have been held by several generations in succession of the same labouring families, sometimes for two or three centuries. Although evictions are perhaps not frequent, they can and do take place at the good pleasure of the landlord. The occupier has absolutely no security against removal at the end of every year, and if he is a bad labourer or in other ways gives dissatisfaction to his landlord he very likely will be removed. The precariousness of the position of the "mezzainolo" is constantly alluded to by writers on rural matters, and I have heard the facility with which he can be got rid of mentioned as one of the advantages of the system. Moreover, it has been decided by the courts that the occupation of a farm may at any time be summarily terminated by judicial sentence on such relatively slight grounds as irregular cultivation, premature harvesting, the abandonment of the farm by some of the members of the labourer's family and the like.

The size of a farm ("podere") varies greatly from district to district, and it is not easy to find the general average. M. Minghetti, in one of the Reports relative to the Paris Universal Exhibition of 1867, reckons it at from 5 to 6 hectares (about 12¼ and 14¾ acres). He gives 75 hectares (about 185¼ acres) as the maximum, and from 2 to 3 hectares (about 5 to 7½ acres) as the minimum, extent. Professor Cuppari in his agriculturists' hand-book already cited takes 12 hectares (about 29½ acres) as the medium extent of a farm. From 2 to 7 hectares is an estimate, which has been given to me by a gentleman of experience in matters of this kind. Farms were formerly much larger than they are now. According to Professor Cuppari, as I have mentioned in another place, the average number of persons including men, women, and children, in a family of labourers occupying a farm is in the proportion of 1 person to a hectare (nearly 2½ acres) for farms of medium extent, the proportion being smaller for large farms and greater for small ones.

The system of equal division of expenses and produce seems to have begun to come into use after and in consequence of the cessation of predial servitude in the thirteenth century. A learned historian of agricultural legislation (Poggi—"Cenni Storici delle Leggi sull' Agricoltura," &c.) says that his researches have not lead to the discovery of any traces of it before that period. He has found evidence to show that the labourer's share was in general much larger than that belonging to the lord. Thus the latter according to this author took from one-tenth to one-third of the corn; a fourth, a third or one-half of the grapes; half the olives, &c.; the expenses of cultivation, on the other hand, being borne by the peasant, who had besides to keep up the live stock and implements of husbandry, furnished in the first instance by the lord of the soil. When the serf became a free labourer new arrangements had to be made. Various forms and conditions of lease were tried but as it would seem with little success, and finally the "mezzeria" system, nearly in its present form, became the general practice. From the stringent ordinances made at different times to prevent the labourer from turning his theoretical liberty to practical account by getting his livelihood in his own way, it may not unreasonably be concluded that he was not altogether satisfied with the economical conditions of the new system. For instance he was not allowed to leave his holding without the written consent of his landlord, and even then if married he might not work for daily wages but was obliged to find another farm to occupy, &c.

Under the vicious and contemptible despotism of the Medicean period the so-called free peasant was ground down by intolerable exactions, for which he endeavoured to obtain compensation from theft, and so habitual was this resource that, in law-books, a husbandman was described as being necessarily a thief. "Coloni regulariter sunt fures," and "Colonus ergo fur," are the expressions quoted by the historian above cited. About the middle of the seventeenth century the state of the peasantry became so deplorable that, as Galluzzi in his history of Tuscany tells us, "families reduced to misery and evicted by their landlords on account of the excessive amount of their debts, scoured the country in bands and subsisted by robbery."

The extinction of the line of the Medici Princes prepared the way for a better

state of things and agricultural industry flourished under the renovating influence of the wise reforms accomplished in the reign of the Grand Duke Leopold I.

One of the Laws of that period (made in 1785) prescribes the rules still in force for the termination of a "mezzeria" agreement. Six months notice on either side were originally required. This term came gradually to be extended to twelve or even eighteen months which were again reduced to eight by a Law made in 1577. Experience, however, having shown that the time required was too long, the cultivation of a farm being neglected during the interval between notice and removal, it was finally limited to three months by the law of 1785.

Foreigners generally take their notions of the condition of the Tuscan peasantry and the working of the "mezzeria" system from the sweet arcadian picture drawn by M. Sismondi in his Essay "De la Condition des Cultivateurs en Toscane." He shows us a person of beautiful aspect and contented mind, to whom distress is unknown, who has all the advantages of property without the inconvenience of being obliged to defend it, who has little need of money—for he receives from the hand of nature all that he wants for his subsistence, who lives in peace and harmony, not only with his neighbours, but even with his landlord, the tax-gatherer, and the priest. The house which he inhabits is a sweet image of industry amply rewarded—of abundance and peace. His clothing is substantial, nay, comfortable. His nourishment is wholesome, abundant, and varied. His wife and daughters possess silk dresses and good store of body linen. All the members of the family work with ardour. Their intellectual culture is by no means neglected. They have a taste for art, and a keen sense of the beautiful in nature. They cannot read, it is true, but the theatre is a constantly accessible school of poetry, language, and mythology; and they are made familiar with the history of the Atrides by frequent representations of the classical tragedies of their favourite author, Alfieri.

The value of M. Sismondi's testimony may be estimated from one passage in his essay. Speaking of his model peasant's house which is a sweet image of abundance and peace, he says "that the windows have shutters only and no glass; but it must be remembered," he adds, "that there is no frost in the winter" ("l'hiver est sans frimas"). By the side of this assertion, the enormous absurdity of which must be at once apparent to any one who has had experience of the bitterness of a Tuscan winter, may be placed a few meteorological observations on the three winters immediately preceeding the publication of M. Sismondi's essay in 1837. They are taken from Reports addressed to the Academy of Georgofili and from sundry contemporary notices:—

1834. At the end of October, at Florence, the thermometer fell to about the freezing point, and the cold continued to increase until it reached, on the 24th and 30th of December, the maximum of 7 degrees, Réaumur. A letter to the "Giornale Agrario," from a correspondent in the Val d'Arno speaks of intense and persistent cold during the months of December 1834 and January and February 1835.

The winter of 1835-36 was very severe. According to a Report laid before the Georgofili Academy, the cold weather began in the first days of October and lasted till the 2nd of May, when there was a heavy fall of snow on the hills near Florence. Towards the end of October the thermometer marked 2 degrees, Réaumur, and that temperature continued during some days in November. On the 4th of January the reading of the thermometer (Réaumur) was 9 degrees. It remained at about 5 degrees until the end of February, with snow on the 18th and 19th of that month. During March and the first ten days of April the night temperature was generally one or two degrees below zero. In the case of the winter, the Arno at Florence was completely frozen over.

In 1837 notices in the "Giornale Agrario" mention great cold at different places. A letter from Figlino states that, from the middle of March to the middle of May, there was no cessation of snow or rain. The thermometer marked 5·3 degrees Réaumur, at the begining of January, and 3·5 degrees, Réaumur, in March. Crops were greatly injured by cold. Part of the wheat was destroyed and the rest much damaged.

M. Sismondi forgets to say anything of the torrential rains which commonly fall in the autumn, sometimes for two months without intermission, and which render a weather tight house very desirable. These facts are sufficient to show how little M. Sismondi (who possessed a house in the Val di Nievole, which he described) was justified in attributing to the mildness of the climate deficiences which he ought rather to have considered as an indication of the indigence and wretchedness of his model rustics. The object of his essay seems to be to demonstrate that the system of "mezzeria" insures to the labourer in Tuscany a degree of well-being unattainable by labourers in England and elsewhere who are paid daily wages in money; and it may not, therefore,

be irrelevant to observe that, in the south of England, where, all things considered, shelter is hardly more needed than in Tuscany, a labourer's cottage with unglazed windows would not, even in so remote an age as 1837, have been looked upon as a model habitation, and described as a sweet image of industry amply rewarded—of abundance and peace.

It may be well to contrast some serious statements taken from the best Tuscan sources with the idyl that has just been looked at.

Going back to the year 1832 I find in the highly esteemed periodical called the "Giornale Agrario" a paper headed "Considerazioni sulla Povertà del Contado Toscano," by Signor Landucci, an author of repute. It points out the great difference between the relatively comfortable conditions of the well-fed and well-clothed peasant who lives in the environs of a town, and the absolutely uncomfortable condition of the ragged and ill-fed peasant in a distant part of the country. It shows how greatly the ordinary labourer is distressed by the want of money, which is one of the features of the system, and which M. Sismondi considered as no inconvenience. M. Landucci justly observes that a peasant requires other things besides bread. He wants clothes, tools, utensils, &c., and "if he cannot pay for them he gets into debt, on what usurious conditions all persons well know who frequent the markets where the peasantry make their purchases. . . . . Once in debt he has no longer any resource. The interest which he has to pay, a little at a time, destroys him, and the want of a few lire is the cause of his utter ruin. And what if his food fails him besides?" The author goes on to say that the laudable practice among landlords of supplying the immediate necessities of their labourers by way of advance frequently has the most injurious effect. For "the indigent peasant who is obliged to apply to his landlord for the means of satisfying his hunger, and that of his family, ceases to be a partner and becomes even less than a day-labourer. His share of the produce goes to the landlord, and the consequence is that, with the desire for economy, he loses the habit of industry from which he no longer derives any benefit. Having thus become like a slave who gets nothing but his bare food in return for his labour, he works little and badly, and the state of the fields gives evidence of his lost activity."

The volumes of the "Giornale Agrario" for 1838 and 1839 contain a series of articles by the same writer on M. Sismondi's essay. In one of them the reviewer, after expressing his regret that the distinguished author should have confined his observations to the peculiarly prosperous Val di Nievole, gives a woeful description of a farm and its wretched occupant in a less favoured district. The labourer gets little for the land, and the owner still less. The house he lives in is dilapidated. His whole nourishment, except on high days and holidays when he gets a little meat, consists of bread of the worst quality, and bean soup, without any wine. The moral condition of the "mezzainolo" is no better than his material condition. Unsoftened by religious instruction, untamed by social intercourse, never even going to fair or market, he remains in a state of almost savage rudeness and neither seeks nor desires to improve his condition. In places like this, says the reviewer, the lot of the "mezzainolo" is very different from that described by M. Sismondi, and he feels no such attachment to his holding as that which the author believes to be common to the whole class. On the contrary, he looks upon it with indifference, and is quite ready to leave it for a better one. He has no affection for either land or landlord, and cares little about an increase of productiveness being uncertain whether he will or will not remain in occupation beyond the year.

The reviewer, who is a warm advocate of the "mezzeria" system, although most of the facts adduced by him tell against it, mentions as one of its peculiar advantages the customary advance made by the landlord which, in another place as we have just seen, he declared to have the effect of reducing the labourer to a condition resembling that of a slave. He goes on, however, to observe that the practice, although useful to the nation is very burdensome to the landlords, and that it is partly the cause of the progressive decay of agriculture in some localities. For although in certain places this charge may, he says, be a stimulus to improvement, there are others where it can only be diminished by a decrease of the number of persons to be provided for, and landlords finding it unprofitable to support people for the sake of the cultivation of land which produces little, very often relieve themselves of the burden by reducing the number of their farms.

The next witness is that most distinguished agriculturist and eminently public-spirited man the late Marquis Cosmo Ridolfi, who, in a paper read to the Academy of Georgofili in 1834, said: "The peasant waters the land with his sweat and fertilizes it with his labour. He sows it with wheat and has vetches or millet for his food. He draws from it wine, and drinks "piquette" ("acquetta"). He extracts oil and seasons

his own black bread soup with rancid ham. He wears out his life without ever enjoying it, because the debt which oppresses him in spite of his incredible frugality deprives him even of the comfort of independence."

Twenty-one years afterwards he said to the same learned body that, except in certain privileged places where half the produce afforded the "mezzainoli" even too large a remuneration for their labour, they had for the most part been always in debt to their masters, and that if it had not been the custom at one time in great houses to absolve the peasants from the debts at the death of the landlord the amount would have made the most unobserving perceive the necessity of a reform of the system.

He deplored the adoption of the system of "mezzeria," with what is called "piccola cultura," in places unsuited to them and where the good results they might produce under more favourable circumstances were impossible. "Hence it comes," he said, "that there are farms which are always a loss to the landlord while their occupiers, are always in a state of misery, although continually receiving assistance aud relief hence come discouragement, vice, and infinite ills under that very system which has been landed as the constant promoter of happiness and virtue."

In 1857 Marquis Ridolfi gave a course of lectures on agriculture at Empoli, and the last lecture of the series contained a passage to the following effect:—

"Thus we find this system succeeding admirably on a good soil with a favourable aspect where olives, grapes, mulberry leaves, wheat, Indian corn, and some materials for manufacturing purposes, besides the produce of the kitchen garden and orchard, can be easily obtained; and there we see the peasant as he has been depicted by Sismondi. But in less privileged places you see him worn out with toil in extracting the same products but of inferior quality or in such small quantities that they hardly suffice for his subsistence and sometimes fall short of what is necessary. Here he is miserable, rude, in debt, while the landlord gets no return for his capital and perhaps does not even obtain enough to cover the taxes."

A writer in the "Giornale Agrario" in 1842 gives an account of the working of the system from which the following remarks have been gleaned:—

A great many landlords leave the management of their farms entirely in the hands of the labourers under the supervision of agents or bailiffs who know no more of agriculture than what they learned as labourers themselves in their youth, and it frequently happens that a landlord who finds that he does not get the return he expected imposes new and more onerous conditions upon the occupier. The consequence is that the latter being unable to live by his labour becomes disccuraged and careless and there is a diminution of produce. The same thing happens sometimes with the ordinary arrangement of equal division when the labourer's half is insufficient for the support of his family.

It has been found on examining the accounts of some landlords who adhere strictly to the system of equal partition that, in the course of twenty years, owing to advances made to labourers and never recovered, losses in live stock from neglect, and the deterioration of the land occasioned by the discouragement of the labourers, they have not only obtained no return from their property, but have actually been losers by their farms.

It is vain to suppose that a labourer who is suffering hunger and hears the groans of his family will follow the dictates of duty rather than obtain a momentary relief by appropriating more than his due share of produce, or by stealing wood, or by selling beasts and pretending that they are dead, &c.

Towards the conclusion of the history of agriculturial legislation which has been already cited, the learned author tells us that the "mezzainoli" have made no progress (this was published in 1848); that they are always in debt and incapable of making the smallest saving; that they are immersed in the most crass ignorance, opposed to innovations and faithful to old traditions; prone to luxury and vice in the neighbourhood of towns; quarrelsome and addicted to stealing in rural districts, far removed from the centres of commerce and civilization; that they are industrious in places where, owing to the natural fertility of the soil or the abundance of some valuable product, they are able to obtain a fair remuneration for their labour; but where, by constant and hard work they can with difficulty procure the most scanty and miserable nourishment, they rarely show much diligence; that, as in former times, they supply their wants by small occupations unconnected with agriculture, and by "many occult modes of compensation" whereby their landlords lose much more than they would do by a fairer division 1859 of produce.

A letter from Count Cambray Digny inserted in the "Giornale Agrario" of contains a passage to the following effect:—

"We know that Tuscan 'mezzainoli,' in general, are in the habit of getting into

debt with their landlords, the amount of which debt continues to increase until at last it is either condoned or, at the termination of the occupancy, remains unsatisfied. This is in reality tantamount to a diminution of the landlord's share, and the practice appears to me to have only one signification: that, in the ordinary state of our production, the occupier's share is not sufficient for the remuneration of his labour."

In an article published in the same periodical in 1858 the late Professor Cuppari, (he died soon after the beginning of the present year, 1870) who was one of the very highest authorities on all matters relating to agriculture, affirmed that, in consequence of the inadequacy of their portion of produce for their sustenance, families occupying farms were overburdened with debts, either to their landlords or to strangers, and were very often driven to have recourse to fraudulent practices; that such a state of things had not been caused by the grape disease, which had merely intensified pre-existing evils, and that the prevailing distress was partly attributable to the dissipated, corrupt, and wasteful habits of the peasantry themselves.

That no considerable improvement has taken place since this article was written may be inferred from a remark made by Professor Cuppari in a work, a revised edition of which was published towards the end of 1869. The debts of the labourers so often alluded to, and for which indeed a regular phrase has been adopted ("il debito colonico"), just as men say the national debt, are there spoken of as the great chronic sore of the Tuscan "mezzeria."

Here is a mass of concurrent testimony (and much more could be brought forward to the same purport) extending over a period of thirty-seven years. It proves clearly that the ordinary condition of "mezzainoli" is one of privation and distress; that as a rule they cannot live upon what they are entitled to receive in exchange for their labour; that they depend for their subsistence upon the supplementary assistance given to them by their landlords; and that failing such aid they must beg, steal, or starve.

Let us see how the system works in times of unusual difficulty.

Wine is one of the peasant's principal resources. He looks to his share of it for the means of meeting his necessary expenses. The loss of this indispensable resource from the grape disease which, during some successive years, destroyed almost the entire produce of three-fourths of Tuscany, was most severely felt; and the calamity was terribly aggravated by the failure of the wheat crop here, as elsewhere, in 1853. These accumulated disasters caused great suffering; and very considerable sacrifices were imposed upon landlords by the necessity of supporting the destitute occupiers of their farms. In a Report from the Secretary to the Academy of Georgofili, the amount so advanced by them during the year 1853-54, in the four districts of Florence, Pisa, Arezzo, and Siena, was calculated at upwards of 20,000,000 Tuscan lire (666,666*l.*), But the assistance, given in the most praiseworthy manner, could only afford partial relief. Many landlords were unable to meet the extraordinary demands upon them at such a time; and in some places "mezzainoli" were reduced to such straits as to be obliged to beg their bread upon the road. The embarrassment occasioned by prolonged agricultural depression became so great, that to many persons it appeared impossible to go on any longer with the established system of farming. Marquis Ridolfi, then President of the Georgofili Academy, strongly urged the expediency of discontinuing, for a time at least, the "mezzeria" arrangement, where it was found not to succeed. He carried out his views on his own property, but his advice and example do not seem to have been followed.

At the beginning of one of his discourses on this subject (in 1855), the noble Marquis made some remarks, which are deserving of attention. He pointed out, that more than twenty years previously, in a period of excessively low prices, caused by a series of extraordinarily abundant vintages (near Pisa, 1,000 barrels of wine of the worst quality were sold for 100 scudi, being at the rate of 14 soldi, about 5½*d.*, for a barrel containing about 12 gallons, or one-seventh of the ordinary price), the same complaints of distress had been heard, and the same difficulty of going on with "mezzeria" experienced, as at the time when he was speaking, on account of the failure of the vine production.

From which we may gather, that this system can bear neither great plenty nor great scarcity, that any disturbance imperils its existence, and that it requires for its working a dead level, and a perfectly smooth groove; the least rise or fall, the slightest shock, throwing the machinery at once out of gear.

The utility of this method of conducting agricultural operations was, during many years, the constant subject of keen controversy. The transactions of the Academy of Georgofili, and the series of the "Giornale Agrario," are full of exhaustive disquisitions concerning its merits and demerits, which have also been discussed in various separate

treatises. Having, as I believe, read nearly all that has been, or perhaps could be, written on the question, I may be permitted to express my opinion; and I cannot think that any unprejudiced person would fail to arrive at the same conclusion, that with a balance of sentiment in its favour, there is a large balance of facts and arguments against the "mezzeria" system.

It has been advocated, chiefly on the ground that the relative stability which it gives to the position of the labourer, and the partial community of interests which it creates between him and his landlord, are securities for the maintenance of social order, and preservatives against the evils of pauperism and proletarianism. But to this it may be objected that, in the first place, very many "mezzainoli" being, as we have seen, unable to live without the relief which they habitually receive from their landlords, are in truth paupers; and that, secondly, what is called proletarianism, does as a matter of fact exist in Tuscany. By the side of the families of labourers in occupation of farms, there is, and there must necessarily be, a large floating rural population (the Census Returns give 113,763 as the number of agricultural day-labourers), which cannot be so placed. Obviously, there is not room for all; and what becomes of the outsiders? These people are true proletarians. They live merely from hand to mouth (and very often their hands have nothing to lift to their mouths), the organization of agricultural labour in the country prevents them, as a rule, from obtaining any regular and constant employment; and their existence is rendered precarious by that very system which we are told is a barrier against proletarianism. Except under special circumstances, the class of day-labourers ("giornalieri"—they are sometimes described as "pigionali," or lodgers), is by all accounts in a very wretched state.

While the existing mode of land occupation has been denounced as altogether faulty by some persons, others, adhering to the principle of partition of produce, have contended that the invariable rule of equal distribution ought to be laid aside, and that, in order to give the labourer a fair remuneration in all cases, the proportion to be assigned to him should be regulated by circumstances, as extent and productiveness of land, degree of labour required, &c. Others, again, without seeking to effect any essential alterations in the system, have exhibited its practical inconveniences, and urged the necessity of better management.

Whatever may be thought of the supposed moral advantages of the "mezzeria" method, it can hardly be doubted that it has the economical disadvantage of retarding agricultural improvement.

Marquis Ridolfi called it a conservative and a stationary system, and he said that it had imitation for its rule, and habit for its guide. On one occasion (in 1854) speaking of the "practical agriculturists, the peasants," he declared that the truth scarcely ever reached them, that no ray of light ever penetrated into their minds to dissipate the gloom of prejudice and error. He does not seem to have entertained a very high opinion of the state of agriculture in Tuscany, and the belief in its excellence he ascribed to the effusions of poets, and the mistaken admiration of deluded strangers. He affirmed that its progress had been very slow and partial in comparison with the progress of English, French, or German agriculture, and he scouted the notion that the soil could not be rendered much more productive by the application of improved methods. He told his brother-academicians that, having devoted himself entirely to rural pursuits, he had made every effort to turn the "mezzeria" system to account, and render it available for improvement; but that he had found very few exceptions indeed to the general apathy of the peasants. These and many other observations to a like purport are to be found scattered through his academical discourses.

Count Cambray Digny also, at a meeting of the Learned Society of Georgofili in 1855, said that the vaunted perfection of Tuscan agriculture was an illusion which it was high time to throw off.

The same distinguished personage, in a letter published in the "Giornale Agrario" in 1859, enumerated as follows the principal impediments placed by existing arrangements in the way of improvement.

In the first place he remarked that the labourer, who had as much right as the landlord to determine the mode in which the land should be cultivated, was naturally indisposed to consent to anything he believed to be dangerous to the undertaking. The peasant could not conceive the possibility of any other method of cultivation than that which he had always seen practised by his family and his neighbours; he mistrusted the teachings of his landlord and of all persons belonging to the wealthier classes whom he had been accustomed from his childhood to consider as entirely ignorant of his art; and he was opposed not only to hazardous novelties but also, and with equal obstinacy, to any change, however wise and beneficial.

But supposing that he could be convinced of the utility of innovations suggested by science, another and a more serious difficulty would arise from his position as a partner, because with the chance of being turned out of his holding from one year to another he would not be willing to incur expenses for manure, seed, &c. (besides giving additional labour), the return for which he might in that way be made to lose.

A third obstacle to improvement was to be found in the difficulty of providing the various machines required to render agriculture highly productive, the landlord by whom alone they could be provided being withheld by the consideration that his half of the produce would give him no adequate return for his increased outlay by which the labourer would be benefited.

To these impediments must be added the inconveniences asising from the usual mode of farming management by an agent or bailiff, generally a person raised from the condition of a peasant, ignorant, ill-paid, over-burthened with details, and neither able nor willing to look after the labourers.

The letter then goes on to suggest means of overcoming these difficulties.

Professor Cuppari expressed himself more strongly on the same subject.

In 1857 he wrote thus:—"What hope is there of great and rapid improvements to be effected by our poor 'mezzainoli' who are thrown into a fever at every change by the fear of losing their daily bread? . . . . . .

"You will find the whole rural economy of Tuscany directed by a myriad of heads of labouring families ('capocci') excessively poor for the most part and all of them certainly unable to appreciate the effects of any reform. . . . . .

"In Tuscany things followed their natural course; a flourishing and fruitful agriculture in the general infancy of the art; a mean and sterile agriculture in the present state of progress."

In an Article in the "Giornale Agrario" of 1858 the learned professor said—

"The improvement of a farm with the concurrence of the peasant is a matter of immense difficulty if it is to be effected speedily." And further, "At present the owner and the labourer are in a state of continual though covert strife. The latter for fear of not enjoying the fruits of his toil, of which he may be deprived suddenly by eviction, abstains from improvements which might notably increase the produce of the farm, and does not perceive that his dread of an uncertain loss makes him undergo a certain one. The landlord too, proceeds cautiously because he does not wish his capital to turn to the benefit of the labourer and is reluctant to adopt innovations which might be to the advantage of the latter, not considering that the increased prosperity of the occupier would, in the end be a gain to himself." . . . . . .

The habitual relations between the partners do not seem to have become more satisfactory, to judge from the following remarks from the same author at the beginning of the present year.

"Each of them endeavours to reduce the proportion of the capital he employs in the concern and to get a larger return for it. They pull different ways. Moreover, divided as large properties are into little farms cultivated and almost wholly managed by their labourers who occupy them, the bailiff has little or nothing to do with their direction. . . . . The management of the farm being thus left in the hands of the labourer, it is natural that, in this conflict of interests, he should draw the water to his mill, promoting only such improvements as conduce to his own benefit."

Rapid progress was impossible when, first, the interested director was a manual labourer inclosed within the limits of his farm, as in a shell, who knew of nothing better out of it, and who rejected all improvements that might benefit the landlord at his own cost. Secondly, the landlord was unable to take any part in the management of his property and see what was really required, and when he also was obliged to refuse his consent to improvements to be effected by his capital for the benefit of the labourer. Thirdly, the intermediate person, the bailiff, incapable, and obnoxious to both parties, did not know how to make them agree; under such circumstances not only was rapid progress impossible, but even slow progress was greatly impeded."

The author adds, however, that, in spite of these obstacles, some gentle progress has been effected.

One of the most glaring inconveniences of the "mezzeria" system is, that the labourer and his family, being supposed to live upon the actual produce of the land they till, not unnaturally insist on making its cultivation directly subservient to their own immediate wants, the consequence being that everything has to be grown everywhere in little scraps and patches without reference to special conditions of climate, soil, position, or locality. Thus, as Professor Cuppari observes, on hill sides, which ought to be covered with vineyards, olives, &c., we find cereals, for which the nature of the

ground is not at all adapted, grown in streaks, divided by rows of vines just as they are in the plain. Some of his remarks on this practice, which is the evident negation of rational agriculture, have been quoted in another part of this Report, where allusion has also been made to his observations on the want of any proper rotation and the deficiency of green crops, the peasant being always intent on growing corn, whereby the soil, insufficiently manured, is at last exhausted.

Among the transactions of the Academy of Georgofili in the year 1854, there is a paper by Marquis Luigi Ridolfi, one of the Secretaries, on the progress of agriculture in Tuscany and in England.

The comparison is greatly to the advantage of the latter country.

The writer enters into elaborate calculations, from which he makes it appear that the average value of the produce of the soil in England proper is greater by four-fifths than that of an equal extent of land in Tuscany. Taking, for the purpose of comparison, the four districts of Florence, Pisa, Siena, and Arezzo (those of Lucca and the Maremma being excluded on account of their peculiarities), he estimates the value of the produce at 35 Tuscan lire per quadrato (30 lire equal 1*l.*, and 1 quadrato equal 4,072 square yards, fractions omitted), and he reckons the value of the produce of the same extent of land in England at 100 lire. But, making allowance for what he assumes to be the difference of prices in the two countries, he reduces the latter sum to 64 lire, and by the same process he gets 42 lire per quadrato as the reduced average for the whole of the United Kingdom. The proportions then stand thus:—Tuscany, 35; United Kingdom, 42; England proper, 64. He likewise offers the following estimate of the distribution of the produce in the two countries:—

	Tuscany.	England.
	Per cent.	Per cent.
Rent and profit	33	38
Taxes and annual expense of cultivation, keeping up, &c. ..	17	30
Labour	50	32
	100	100

As to the correctness of all these calculations I am unable to form an opinion. They seem, however, to have been carefully made, and their general conclusion, that the production of Tuscany is relatively inferior to the production of England, has been so frequently admitted that the fact may perhaps be considered as sufficiently established.

At the same time it must not be forgotten that the relative amount of manual labour employed in agriculture is vastly greater in Tuscany than in England, so that more produces less and less produces more.

It is also to be remembered that Tuscany possesses an incalculable advantage in the ripening power of a sun such as in England we hardly venture to dream of. But, on the other hand, in England, capital is not neutralized by association with indigence, knowledge is not obliged to give way to ignorance, skill and enterprise are not shackled by the absurd whims and fancies, the stale traditions, the stolid obstinacy, the prejudices, fears, and jealousies of untaught peasants.

Various modifications of the system I have been describing occur in different parts of Italy.

In the Province of Lucca the occupier takes the corn, paying as rent a certain quantity of wheat, generally at the rate of 1½ hectolitres per hectare (equivalent to about 1 bushel 5 gallons per acre), and the rest of the produce is divided equally between him and the landlord. A similar arrangement is common in parts of Lombardy, where, however, the amount of corn rent is much higher, being about 5 bushels 1 gallon per acre. The fullest details have already been given by Mr. Colnaghi, respecting the "mezzadria" agreement in Lombardy, and it is, therefore, unnecessary to say more on this subject.

From the Report of the Commission on the Disturbances in the Emilian Provinces, to which reference has already been made, it appears that in Parma, Reggio, and Modena the conditions of occupation have become much more onerous of late years than formerly they were. Thus, in the Province of Parma, the labourer's share of the produce has very often been reduced from one-half to one-third, and when that is the case he is called no longer a "mezzainolo" but a "terzainolo." The "mezzainolo" used to have to pay to his landlord, who took likewise a moiety of the produce, about 10 francs in money and poultry to the value of 3 francs for every hectare, besides sundry other small dues. He now pays 16 or 17 francs in money, and the value of

4 or 5 francs in kind. In the Provinces of Reggio and Modena similar payments, whether to the landlord or to a middleman, have in some cases risen from between 10 and 18 francs to 30 or 35 francs. The consequence has been that the amount of the debts of the peasants has been doubled within the last ten years, and we are told that, owing to distress, cultivation has been neglected, to the impoverishment of the landlords, the effect of which again has been the aggravation of the misery of the peasants. In the Province of Bologna, on the other hand, occupiers as well as landlords are said to enjoy greater prosperity than heretofore. The system of equal division is maintained. The dues, however, payable by the labourer, have increased from 15 to about 25 francs a hectare; but the augmented value of his share of produce, of hemp particularly, has more than made up for the difference.

I turn to Sicily, where, as before stated, temporary agreements for the cultivation of land on the partition principle, called in that island "metateria."

The conditions of this kind of agreement are so various and so strangely complicated that, without entering into the most elaborate details, it would be impossible to make them even partially intelligible.

An essay on Sicilian agriculture, published at Palermo at the beginning of the present year, and for which a medal was awarded to the author, Professor Caruso, by the Inter-Provincial Agrarian Association of Sicily, gives an account of five principal forms, with seventeen varieties, of this notable arrangement, including one form peculiar to the Province of Catania, called "retrometateria."

It may be sufficient to state the general results of an ordinary agreement as they are calculated in the treatise above-mentioned for a piece of land of the extent of 1 Sicilian salma, equivalent to about $4\frac{1}{3}$ acres.

The landlord does the ploughing and advances the seed (wheat). His expenses, together with interest on his capital, amount to 288 francs 15 centimes.

The average crop of wheat is 11 salmi of wheat ($1\frac{1}{16}$ salmi, equal to 1 quarter). From this quantity 6 salmi and 2 tumoli (16 tumoli make 1 salma) are first deducted for the landlord, leaving 4 salmi and 14 tumoli to be divided equally between him and the labourer. The landlord, therefore, receives in all 8 salmi and 9 tumoli, representing the average value of 436 francs 68 centimes, and his net profit, after deducting expenses, amounts to 148 francs 53 centimes.

The labourer's share in the division is 2 salmi and 7 tumoli, to which must be added 8 tumoli or $\frac{1}{2}$ salma remaining of the quantity ($1\frac{1}{2}$ salmi) advanced to him for sowing. This gives a total of 2 salmi and 15 tumoli, representing the value of 146 francs 62 centimes. On the other hand, the value of his labour is reckoned at 160 francs 64 centimes, or 14 francs 2 centimes more than he actually receives, and what he requires for his subsistence during the year is estimated at 601 francs 5 centimes.

To the not unreasonable question, How, then, does he live? the author replies, "He, with difficulty earns his livelihood by sowing, hoeing, mowing, or reaping, and threshing elsewhere in the course of the year, and he is to be seen pining with hunger and a prey to the most dreadful despair when there is no such work to be done at the appointed seasons."

The following is the nature of the arrangement called "retrometateria."

The landlord undertakes all the work of ploughing and sowing and finds the seed. All the subsequent labour is at the charge of the "retrometatiere." After the harvest the landlord begins by taking the quantity of wheat sown with the addition of 25 per cent., and the remainder having been divided into four equal parts, he takes three, leaving one-fourth to the labourer.

The onerous conditions which the labourers are obliged to accept appear to be the consequence of their constant competition for bits of land to cultivate under one of these singular modes of agreement, or that called "terraggeria," which has been before alluded to. And yet, as I have mentioned in another place, the proportion of persons employed in agriculture to the total population is, according to the Census Returns, smaller in Sicily than in any other part of the Kingdom of Italy, while the density of the population of the island generally is below the average for the whole Kingdom, and is greatly exceeded in many parts of it, as in Piedmont, Lombardy, Romagna, the Marches, &c., and, moreover, of the 564,149 persons constituting the specifically agricultural population, no less than 255,534 are returned as living in towns of 6,000 inhabitants and upwards.

I now proceed to give replies to the queries under the head of tenants and sub-tenants under landlords, premising that they are not to be considered as applicable to the system of land occupation described above.

Tenure.

1. What quantity of land is usually held by each?

In Piedmont from 100 to 300 hectares.

In Lombardy there are some farms as large as 500 hectares, and few smaller than 70 hectares. The most usual extent is from 100 to 250 hectares.

In the Emilian Provinces the size of farms varies from 10 to 100 hectares.

In Tuscany (Maremma) it is about 312 hectares.

In the Neapolitan Provinces Mr. Bonham says that the quantity of land usually held by a tenant varies from 2 acres to 200 or 300 acres, and that it is occasionally as much as 1,000 acres.

I am unable to state precisely what is the average extent of an estate let to a large tenant in Sicily. About 1,500 acres have been mentioned to me as the size of an ordinary "feudo," but such estates appear to be sometimes much larger. In a debate in the Senate I find 2,600 hectares, or about 6,424 acres spoken of as a not very uncommon extent.

Mr. Oates, Her Majesty's Vice-Consul at Girgenti states, that tenants in that district usually occupy small farms of from 30 to 50 acres.

2. All that relates to perpetual tenancies at a fixed rent, and leases for a number of generations but renewable, &c., will be treated separately, and no further allusion to tenures of this kind will be made under the present head.

Ordinary leases cannot be made for a term exceeding thirty years, except in the case of waste land to be reclaimed when the term of a lease may be extended to 100 years. The usual duration of the tenure varies from one part of the country to another.

Thus in Lombardy the term of a lease is never shorter than nine and seldom longer than eighteen years.

In different parts of the Emilian Provinces a lease is usually made for five, for nine, and for twelve years.

In the Neapolitan Provinces the usual term is four, six, and sometimes eight years.

In Sicily the duration of a lease to a large tenant is three, five, seven, or nine years. With regard to the small holdings alluded to in the reply to Query 1 Mr. Oates says, "The usual duration is three years, according to the rotation of crops; sometimes it is six years. It is, however, now considered not long enough as it does not encourage tenants to cultivate the land properly."

The following is the substance of the principal provisions of the Civil Code respecting the reciprocal obligations of landlords and tenants.

A lessor is bound to maintain the land, buildings, &c., in a fit state to be used for the purpose for which they were let, to secure to the lessee the peaceable enjoyment of the tenement during the whole term of the lease;* to consign it to the lessee in a good state of repair, and to execute subsequently all necessary repairs except such small repairs as by custom are at the charge of the tenant; to indemnify the lessee for injury caused by serious defects which deprive him of the use of the tenement. He cannot alter the form of the premises.

The total destruction of the property let puts an end to the lease. In the case of partial destruction the lessee is entitled to claim, according to circumstances, a reduction of rent or the termination of the agreement.

The tenant cannot prevent the execution of repairs for which there is an urgent necessity, although he may thereby be deprived of the use of part of the premises. If, however, such repairs occupy a period of more than twenty days a corresponding deduction must be made from the rent. If the repairs are of such a nature as to render uninhabitable that part of the premises which is required for the lodging of the tenant and his family, that may be a ground for putting an end to the lease.

The principal objections of the tenant are the two following:—

1. To take proper care of the property let to him, and to make use of it for the purposes determined by the agreement, or, in the absence of any covenant, for what may be presumed to be the purposes for which it was let.

2. To pay the rent when due.

He is further bound to deliver up the premises at the expiration of his tenancy in the state in which they were when he took possession of them, with the exception of

* This guarantee, however, is not applicable to the case of violent disturbance unconnected with claims upon the property.

what has decayed through age, or has been injured from unavoidable causes. It is his duty to give notice to the landlord of any encroachments by third parties.

He is liable for damages to the property unless he can prove that they were not occasioned by any fault of his, and such liability also exists where damages have been caused by any members of his family, or by his sub-tenants:

In the case of fire, unless he can prove that it was accidental, or caused by unavoidable circumstances ("forza maggiore"), or that it was occasioned by defective construction, or that due precautions had been taken, or that the fire spread from some neighbouring house or premises, he is liable for the loss.

Farm produce must be deposited in the places specified in the lease.

In the case of the accidental loss of the whole, or not less than half of the crop of a year, the tenant, if he has a lease for several years, is entitled to claim a reduction of rent unless the loss has been compensated by an excess of previous crops. If not, the amount of reduction is settled at the expiration of the lease; and in the meantime the tenant may, by order of a Court of Law, be temporarily relieved from the payment of a portion of his rent.

A tenant for a single year who sustains such a loss obtains a reduction of rent in proportion to it.

The tenancy ceases *de jure* at the expiration of the term for which it was created, without the necessity of a notice to quit. But if the tenant is allowed afterwards to remain in possession, the tenancy is considered as renewed for the term prescribed by the Civil Code in cases where no term is specified by agreement. (See answer to Query 3.)

The death either of the lessor or of the lessee does not put an end to a lease.

On the sale of the property the purchaser is bound by the lease, if proved to have been made previously to the sale, unless the right to terminate the lease in the event of such sale was reserved by a special covenant. In the latter case, however, notice must be given to the tenant, according to the custom of the country, and if he occupies land he must receive at least a year's notice.

A tenant evicted by a purchaser when there is no written lease having a certain date, can recover damages from the former landlord.

An outgoing tenant must let his successor have the use of necessary buildings, &c., and the latter must allow the former a similar convenience for hay remaining in store or crops to be got in, &c., such matters to be regulated by the custom of the country.

The outgoing tenant must leave the straw and manure produced in the course of the year if he received them on taking possession of the farm; if not, the landlord may keep them at a valuation.

In the absence of any express covenant to the contrary, sub-tenancies are assignable by the tenant, and the consent of the landlord to such assignment is not required. The former, however, remains always personally responsible to the latter. Article 1,573 of the Civil Code declares that the tenant has the right of sub-letting and of assigning his lease to another if he has not been prohibited from doing so. Such prohibition may be absolute or partial, but it has no effect without a special covenant.

The liability of the sub-tenant towards the original lessor does not extend beyond the amount of the rent stipulated in the sub-lease, and which he may owe at the time when the demand is made upon him (1,574).

3. If for a term of less than nine years, the tenancy may be created either by parol or by written agreement. For a longer term a written agreement is necessary.

The Civil Code provides that where no term is specified, the tenancy of a farm shall be considered as having been created for the time necessary to enable the tenant to gather all the produce of the soil. If the land is divided into portions to be cultivated alternately, the tenancy is presumed to have a duration of as many years as there are portions of land.

4. Written agreements must be registered at the proper registry office in the manner described in the reply to Query 3A. A registration duty of 25 centimes for every 100 francs of rent is payable thereon.

Every lease for a term exceeding nine years must further be transcribed in the register of the Keeper of Mortgages ("Conservatore delle Ipoteche").

5. There is no law or custom whereunder a tenant is considered as having a right to remain in occupation of his holding after the expiration of the agreement.

6. What the law declares respecting sub-letting and the assignment of a lease has been already shown in answer to Query 2. I cannot discover anything else that is applicable to the question as to the right of a tenant to sell his interest in his farm.

Rent.

1. As I have already explained in different places in this Report, payments to proprietors are made in every conceivable manner. There are fixed payments in money and fixed payments in kind. There is contribution of labour and combinations of these modes of payment, one or more or all of which may also be found in conjunction with a share of the produce. Even in the case of large farms, the principal rent is paid in money, extra dues in poultry, butter, eggs, flax, &c., as well as sundry services, as of horses, carts, &c., are frequently agreed upon, besides stipulations for the division of firewood, sometimes equally and sometimes in the proportion of two-thirds to the landlord and one-third to the tenant.

In addition to the various systems which have been before alluded to, a rude arrangement, called "terratico" (the general signification of the word is "rent"), which is practised in some places, may be mentioned. A bit of land to be sown with wheat is let for a year, the landlord receiving a quantity equal to that sown. In Sicily, where this kind of agreement is known by the name of "terragio," or "terrageria," it is somewhat different, and the quantity of wheat or other produce payable after harvest appears to be much greater.

2. The rent is regulated between the parties themselves. There is nothing to interfere with their freedom of contract.

Rent is sometimes payable yearly, but more frequently half-yearly, and there is, so far as I can learn, no hanging gale.

3. The landlord has an unlimited power of raising the rent at the expiration of a lease. He has not an unlimited power of eviction in case of non-payment of rent or breach of covenant or otherwise. He must obtain the judgment or order of a Court of Law.

4. The respective rights of proprietors and tenants for recovery of rents and other claims are enforced by the action of the ordinary tribunals. When such claims do not exceed the amount of 1,500 francs, they are decided by the magistrate, called "Pretore."

In other cases the ordinary procedure of the Civil Tribunal is followed, unless the President should authorize the trial by what is called the summary procedure.

The law confers upon the landlord an exceptional privilege over other creditors for the amount of the rent of the current year, of the previous year, and of the ensuing years, if the date of the lease is certain; or, if not, for the rent of the current year and year following. The same privilege exists for claims on account of dilapidation, of repairs, which the tenant is bound to execute, and of all that relates to the fulfilment of the agreement.

This privilege extends over the crops of the year, the produce of the farm in the buildings belonging to it, everything that is used in its cultivation, and the movables on the farm, furniture of the house, &c., not only when they belong to the tenant or sub-tenant, but even if they are the property of any other person, provided they be not lost or stolen goods, or that the landlord did not know such movables to be the property of strangers at the time when they were placed on the premises.

The goods of a sub-tenant are affected by this privilege only to the extent of what he owes to the landlord.

Evictions.

1. In answering the questions under this head, it is necessary to distinguish between eviction on the expiration of a lease, and eviction consequent on the forfeiture of a lease, by reason of non-fulfilment of obligations.

The right of the tenant to remain in occupation ceases absolutely at the expiration of the term for which the tenancy was created by the agreement, or for which, when not specified, the law presumes it to have been created. (See Tenure 3.)

If he is allowed to remain undisturbed, a tacit renewal for the period prescribed by law (see Tenure 2 and 3) is thereby effected. But such tacit renewal cannot be alleged by him, even though he may have actually continued his occupation, if he has received notice to quit. Such notice is served upon him by the officer called "Usciere," or it may be conveyed by a letter.

Legal proceedings, when necessary, are instituted before the "Pretore," and, in the event of non-compliance with the sentence of eviction, the landlord is put in possession of his property in the manner prescribed by the Code of Civil Procedure.

With regard to evictions on other grounds, it is provided by the Civil Code that, if the tenant fails to pay the rent when due, or to furnish the live stock or implements

which are necessary for the cultivation of the farm, if he abandons its cultivation, or does not cultivate it with proper care, if he devotes the property to uses for which it was not intended, or generally if he does not execute the covenants of the lease, and thereby causes injury to the landlord, the lease may be cancelled at the instance of the latter. This can only take place, however, by virtue of a judicial sentence, and the Court may, according to circumstances, grant the defendant a delay for the fulfilment of his obligations. (See Civil Code, Articles 1,583, 1,591, 1,592, 1,593, 1,595 and 1,165, 1,615; and Code of Civil Procedure, Articles 82, 741, 745 to 749.)

2. Evictions for non-payment of rent are not unfrequent in some parts of the Kingdom; but for breach of covenant in other respects they seem to be rare. It is very difficult, however, to give a general answer to this question.

Improvements.

1, 2, 3, and 4. In some places they are executed by the landlord. In others the landlord does everything in the way of building, the improvement of the land being left to the tenant, who, in the absence of any special covenant, has no security.

In Lombardy it is usual for the tenant to pay a yearly interest on the sums spent by the landlord in building improvements. On the other hand, he receives from his landlord at the expiration of the lease either the reimbursement of his outlay in the improvement of the land, or the real value of such improvement as estimated by experts, but always the smaller amount. If by a large outlay the tenant has effected a small improvement, he gets what that improvement is really worth; if, on the contrary, the improvement is considerable, while the outlay was comparatively insignificant, he merely recovers that outlay. The tenant is frequently prohibited by a clause in the lease from any undertaking any improvement without the written consent of his landlord, which alone can give a claim for compensation. A tenant who has a long lease, however, sometimes finds it convenient to undertake costly works even without any prospect of compensation.

That portion of the Civil Code which treats of the relations between landlords and tenants contains no express provision respecting improvements. The landlord is bound to execute all important repairs, and the tenant is bound to deliver up the property let to him in the state in which it was when he took possession of it. That is all.

It seems to be inferred, however, from what is laid down in other parts of the Code an outgoing tenant is obliged to leave all additions that he has made to the property, and which cannot be removed without detriment to it, the tenant in such case having no claim for compensation; that, if the additions made by the tenant, although capable being removed without injury to the property, are of a permanent nature, the landlord has a right to retain them, paying their value, and that in all other cases the tenant is at liberty to carry them away.

5. Tenants have no means of raising loans specially for improvement of their holdings either from Government or special public companies, or public companies or banks. As I have already explained, however, in reply to Query 14, a system of agricultural credit in general has recently been established.

Miscellaneous.

1. The relations between landlord and tenant are said to be very friendly in some places, while in others they are declared to be quite the reverse. There are certain districts where they are described as being neither friendly nor unfriendly, the tenant being generally respectful to the landlord, with whom, however, he comes little in contact. There are parts of the country, again, where I am told that, with a great outward show of deference, the tenant really entertains feelings of bitter animosity towards his landlord.

2. I have nothing to add to what I have already said on the subject of agriculture in different parts of Italy. As regards cultivation of their farms, employment of labour, mode and standard of living, solvency, independence, and general circumstances, there is much variety among tenants, that it is impossible to find a common standard for comparison with small proprietors. The difference is infinite between the relatively wealthy tenants, who, in the plain of Lombardy or Piedmont, employ a large number of labourers in cultivating some of the richest land in Europe; and the tenant-farmer in Venetia, who are described by the honourable Deputy for Padua, M. Morpurgo, in his statistical work already cited, as being poor beyond expression ("il nostro fittainolo è povero a non dire"), and of whom a large proportion never employ any hired labourers.

As I have already stated, many of these Venetian tenant-farmers are likewise small proprietors. This is also, I believe, the case sometimes among the farmers of Lombardy, with this difference, however, that whereas the former are themselves the tillers of their own land as well as of that which they rent, the latter employ hired labour upon both. As to the peasant proprietor who, in the mountainous region of Lombardy, owns and cultivates one or two acres of land, there can be no resemblance between his circumstances and those of the farmer of 1,000 acres in the irrigated plain. It is obvious, that in Sicily, the position of the small peasant proprietor is in no respect similar to that of the "gabbelloto," who rents an estate, sometimes of considerable extent, and who must be possessed of a certain capital. In the Emilian provinces, where a comparison may more reasonably be drawn, I gather from various accounts that the condition of the tenant-farmer is superior to that of the small proprietor. The contrary would seem to be generally the case in the Neapolitan provinces, so far as the tenants of small holdings are concerned. (See Mr. Bonham's Report.)

3. The annual rate of increase in the population among tenants, as compared with that of small proprietors, is not known.

4. There does not seem to be any emigration among tenants, or their children; but, as I have before observed, the statistics relating to this subject are so defective, that it is hazardous to make any positive assertion.

5. To speak of the public opinion prevalent in Italy as to the advantages or disadvantages of the above system, would be an abuse of language.

In order to be able to answer this question, it would be necessary to know the public opinion, if it exists, of every district as to the particular system or systems practised there.

6, 7, 8. Neither the creation of freeholds or tenancies by proprietors, nor the granting of leases, has ever been enforced by the legislature.

9. The answers to be given to the queries headed "copyhold," will show that laws have at different times been made for the creation, on the one hand, of perpetual or renewable tenancies; and, on the other hand, to facilitate their enfranchisement and conversion into freehold estates.

No other steps have been taken by Government or legislature to create or increase the number of owners or freeholders.

10. Tenants do not receive any assistance by law, public credit, or otherwise, in their endeavours to become proprietors of their own holdings, or of other farms. Such endeavours, however, are not unfrequently made with success.

11. The laws in force tend greatly to prevent the accumulation of land, and to favour its dispersion.

Reports from Her Majesty's Representatives respecting the Tenure of Land in the several Countries of Europe.

(In continuation of Papers laid before Parliament, March 29 and April 5, 1870, and March 27, 1871.)

Presented to both Houses of Parliament by Command of Her Majesty. 1871.

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Memorandum by Mr. Lionel Moore on Land Tenure in Egypt.

(In continuation of Papers laid before Parliament, March 29 and April 5, 1870, and March 27 and August 8, 1871.)

EGYPT PROPER possesses an area 5,100,000 acres of arable land, of which 3,800,000 are considered State property, called "Eterieh," occupied by tenants, who enjoy its produce, and pay an annual tax, averaging 30*s*. per acre, on all lands situated in the Delta, and 8*s*. per acre on lands in Upper Egypt.

Of all Mohammedan countries, Egypt is, perhaps, the only one possessing this system of taxation on "Eterieh" lands. It was towards the latter part of the government of Mohammed Ali Pasha that the Fellaheen in the occupation of "Eterieh" lands succeeded in obtaining the privilege of bequeathing them to their heirs, which privilege has been confirmed by successive Governments. Though these tenants had acquired certain rights over these lands, yet they could lay no claim to compensation for any portions of them which might have been appropriated for the construction of railways, canals, &c.

According to the new project, therefore, the tenant, on the payment of six year's taxation, will henceforth, in a way, purchase the land he now occupies, with all the advantages attaching to a freehold, without, however, its being called "Mulk," which would otherwise, it is said, confer on the holder the right of converting it into "Wakf," or Church land, which is susceptible of being entailed.

1,100,000 acres comprise that portion of the land called "Abadieh," or "Ushurieh," formerly waste lands bestowed by Mohammed Ali Pasha on his followers, on the understanding that they should be cultivated. These lands are freeholds ("Mulk"), and enjoyed exemption from taxation, as stipulated in the title-deeds by which they were conferred. Said Pasha, however, obtained the sanction of the Porte to levy tithes on them, which tithes were commuted into a tax, varying from 2*s*. to 4*s*. per acre, according to the fertility of the soil. This same tax was subsequently increased to 13*s*. in Lower Egypt, and 10*s*. per acre in Upper Egypt.

This breach of faith bore its fruit by shaking all confidence in the Egyptian Government, and tended to affect the value of land.

"Abadiehs" being already freehold property, it can hardly be said that they derive any advantage from the new project.

The remaining portion of the land, namely, 200,000 acres, may again be divided into waste lands and "Onessieh." The former are now being brought under cultivation, and are free from taxation for periods varying from three to fifteen years.

It is optional with the proprietors of these lands to conform to this new project.

The "Onessieh" consist of lands bestowed by Mohammed Ali Pasha on a few families whom he had deprived of certain privileges. These lands, at the expiration of a given time, will revert to the State; they are, however, of no great value.

One of the great advantages of this new project is said to offer to the owners of "Eterieh" and "Abadieh" lands, consists in the removal of that sense of insecurity regarding the rights conferred by preceding Viceroys, the withdrawal of which could be justified by the "Shéri-Shereef," but which now, by the same law, are irrevocably confirmed.

It is, moreover, evident that the Fellah who cultivates land on his own account will derive a greater benefit from the operation of the project than would the landowner who farms out his land at a fixed rent. In Egypt, it is the landowner and not the tenant who pays the taxes.

The experiment which the Egyptian Government is now making, if it succeeds,

must tend to ameliorate the system of land tenure in Egypt; from being considered State property, each man's field will become his freehold; and it will be singular if such a change should take place in an Eastern country when in Europe the abolition of private ownership in land is being advocated.

(Signed) L. MOORE.

Alexandria, September 26, 1871.

Reports from Her Majesty's [illegible] tatives respecting the Tenure of Land in the several Countries of Europe.

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